

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE ULYSSES PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF YOUNGTOWN BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 29.5 ACRES OF REAL PROPERTY GENERALLY LOCATED 2,706.2 FEET WEST OF NORTH 111TH AVENUE, NORTH SIDE OF WEST PEORIA AVENUE FOR PARCEL NUMBER 501-45-001M, IN ZONING CASE Z2023-04 FROM TOWN OF YOUNGTOWN RURAL DISTRICT TO MULTIPLE-FAMILY ("R-1") DWELLING DISTRICT WITH A PLANNED AREA DEVELOPMENT ("PAD"), ALL RELATED TO A MULTI-FAMILY DEVELOPMENT WITH MODIFICATIONS OF UNDERLYING ZONING STANDARDS TO INCREASE DENSITY AND PROVIDE A PLAN FOR DEVELOPMENT AND OPEN SPACE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the Mayor and Council desire to modify zoning district regulations to permit development intensity greater than permitted by the underlying district regulations to allow for multi-family development, which requires flexibility because of unique circumstances and design characteristics; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Youngtown General Plan 2025, as amended, and any other applicable neighborhood 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;

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

Section I. In General.

1. The Official Zoning Map of the Town of Youngtown, Arizona, is amended by changing the zoning classification of property consisting of approximately 29.5 acres described in **Exhibit A** (legal description) and shown on **Exhibit B** (map), both **Exhibits A** and **B** being incorporated by this reference, from Town of Youngtown Rural ("R") district to Multiple-Family Dwelling district with a Planned Area Development Overlay ("R-1 PAD") to modify the underlying Multiple-Family Dwelling district zoning district as provided herein and in accordance with the Development Plan as defined in Paragraph 3 of this Ordinance.

2. The Ulysses Planned Area Development Plan, defined in Paragraph 3 and attached as **Exhibit C**, is hereby approved.

3. The following definitions shall apply:

- a. “Development Plan” means that certain document submitted pursuant to Section 17.48.070 of the Youngtown Town Code, as follows: **Exhibit C: Development Plan Exhibit of Ulysses Planned Area Development.**
- b. “Project” means the “Ulysses PAD” containing approximately 29.5 acres, located at 2,706.2 Feet West of North 111th Avenue, North Side of West Peoria Avenue for Parcel Number 501-45-001M, as described in the legal description attached as **Exhibit A.**
- c. “Property” means the real property described in **Exhibit A.**

4. The Property shall be used and developed in with this Ordinance, substantial conformance with the Development Plan, and in compliance with Title 17 of the Town of Youngtown Code (except as otherwise modified herein). In addition, development of the Property shall be subject to the following conditions:

- a. Developer shall design and construct, or cause to be designed and constructed, all necessary off-site improvements, such as access improvements to the Property necessary for the development and traffic circulation. Upon completion of agreed-upon off-site improvements, Developer will dedicate necessary easements or right-of-way to the Town, as more specifically provided in the development agreement approved concurrent to this rezoning.
- b. The Project shall be developed in conformance with the Town of Youngtown’s zoning requirements for the zoning districts and all development shall comply with the Town of Youngtown Zoning Code, except as modified by the following:
 - 1. Section 17.32.040 of the Town Code requires a **front yard setback** of not less than 20 feet. This section is modified to amend the front rear setback to not less than 90 feet.
 - 2. Section 17.32.050 of the Town Code requires minimum **side yards** of not less than 5 feet and corner lots with a minimum of one side-yard of not less than 5 feet. This section is modified to amend the side yard to not less than 18 feet minimum setback.
 - 3. Section 17.32.060 of the Town Code requires minimum **rear yards** of not less than 35 feet or 20% of the lot,

whichever amount is smaller. This section is modified to reduce rear yard setback to not less than 18 feet.

4. Section 17.32.070 of the Town Code requires a maximum **building height** of one story or 15 feet. This section is modified to increase the building height to 3 stories or 40 feet.
5. Section 17.32.080 of the Town Code requires a maximum of 1 **parking space** per dwelling unit. This section is modified to require a maximum of 469 total spaces.

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 in violation of any provision of this Ordinance shall be responsible under Section 17.04.110 of the Town Zoning Code for a class one misdemeanor punishable by a fine of no more than two thousand five hundred dollars (\$2,500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Section V. Zoning Considerations.

In accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this Ordinance. The Town Council has also considered a housing impact statement in accordance with A.R.S. § 9-462.01(J)(1)-(3).

Section VI. Authorizations.

The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section VII. Effective Date.

This Ordinance shall be effective thirty days after approval and upon the recording of the Development Agreement approved concurrently herewith.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 7th day of December, 2023, by the following vote:

AYES: 5
NAYES: 2 ABSENT: 0
EXCUSED: 0 ABSTAINED: 0

APPROVED this 7th day of December, 2023.


Michael E. LeVault, Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM:


Trish Stuhan, Town Attorney

I, NICOLE SMART, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2023-05 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 7th DAY OF DECEMBER, 2023, WAS POSTED IN THREE PLACES ON THE 8TH DAY OF DECEMBER, 2023.


Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)
- C. Ulysses Plan of Development

Legal Description

The Southeast quarter of Southeast quarter of Section 24,
Township 3 North, Range 1 West of the Gila and Salt River Base
and Meridian, Maricopa County, Arizona;

EXCEPT the Southwest quarter of the Southwest quarter of the
Southeast quarter of the Southeast quarter of said 24: and

EXCEPT those portions described in Exhibits A-1, A-2 and A-3
attached hereto and incorporated herein.



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

O/S

RIGHT-OF-WAY

PROPOSED OPEN SPACE
15 ACRES

PROPOSED DEVELOPMENT
14.5 ACRES



0 500' 1000' 2000'

Date: September 19-2011



