

## **ORDINANCE NO. 2023-04**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF YOUNGTOWN BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 0.176 ACRES, LOCATED AT 11102 W. FLORIDA AVENUE IN ZONING CASE Z2023-04 FROM TOWN OF YOUNGTOWN SINGLE FAMILY DWELLING (R-3) ZONING DISTRICT TO SINGLE FAMILY DWELLING (R-3) WITH A NEIGHBORHOOD COMMERCIAL OVERLAY (R-NC OVERLAY); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town Council desires to permit mixed use development to further economic development opportunities; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map 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 Common 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 hereby amended by changing the zoning classification of property consisting of approximately 0.176 acres described in the legal description, Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2 (the "Property"), both attached hereto and incorporated herein by this reference, from Town of Youngtown single family dwelling (R-3) zoning district to Town of Youngtown single family dwelling (R-3) with a neighborhood commercial overlay (R-NC Overlay).

2. The Property shall be used and developed in accordance with the Zoning Code of the Town of Youngtown and development of the Property shall be in conformance with the Residential Districts with Neighborhood Commercial Overlay Design Guidelines approved by Council and on file with the Town Clerk.

### **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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 21<sup>st</sup> day of September, 2023, by the following vote:

AYES: 7

NAYES: 0 ABSENT: 0

EXCUSED: 0 ABSTAINED: 0

APPROVED this 21st day of September, 2023.

  
Michael E. LeVault, Mayor

ATTEST:

  
Nicole Smart, 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. 2023-04 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 21<sup>ST</sup> DAY OF SEPTEMBER, 2023, WAS POSTED IN FOUR PLACES ON THE 2nd DAY OF October, 2023.

  
Nicole Smart, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

**Exhibit 1:**  
**Legal Description**

**Legal Description for Area of Amendment**

Lot 300, Youngtown Plat 3, 0.176 acres, according to the plat of record in the Office of County Recorder of Maricopa County, Arizona, recorded in Book 73 of Maps, Page 23.

Exhibit 2:  
Zoning Exhibit (Map)

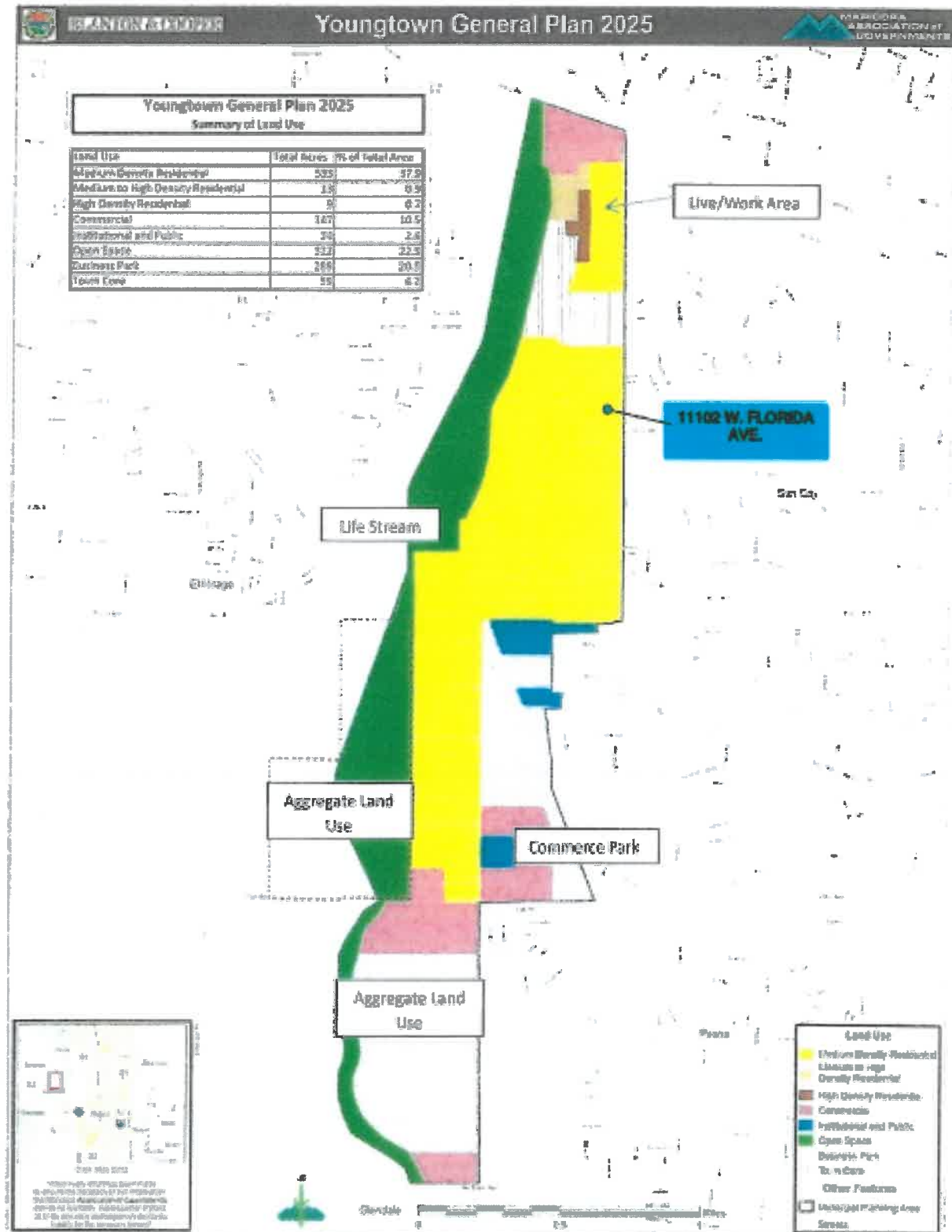


Figure 7: Land Use Map