

## ORDINANCE NO. 2023-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, CHAPTER 17.24. SINGLE-FAMILY DWELLING DISTRICT, SECTION 17.24.070 – HEIGHT REGULATIONS, RELATED TO ALLOWING FOR TWO-STORY BUILDINGS; REMOVING THE 15-FOOT HEIGHT RESTRICTION FOR BUILDINGS; AND ELIMINATING THE SIDE-WALL HEIGHT RESTRICTION, ALL IN THE SINGLE-FAMILY DWELLING DISTRICT (R-3); FURTHER, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND CONSIDERING IMPACTS ON HOUSING.

WHEREAS, the Mayor and Council desire to amend the zoning code to align with the Town's development goals; 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.

The Code of Youngtown, Arizona, Title 17 - Chapter 17.24 - R-3 Single-Family Dwelling District, Section 17.24.070 – Height Regulations is hereby amended to read as follows (deleted text appears in ~~strikeout~~) and new text is ALL CAPITALIZED:

#### **17.24.070 - Height regulations.**

- A. No building shall exceed ~~one-story~~ TWO STORIES or ~~fifteen (15) feet~~ THIRTY (30) FEET IN HEIGHT, FROM THE FIRST-FLOOR FINISH ELEVATION TO THE HIGHEST POINT ON THE ROOF OR CUPOLA, except as provided in Chapter 17.52.
- B. No ~~residential building or~~ accessory building shall exceed fifteen (15) feet ~~have side walls which exceed eight and one-half feet~~ in height.

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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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

Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be responsible under Section 1.12.010 of the Town Code for a civil violation, punishable by a fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation. Each day that a violation continues shall be a separate offense punishable as herein described. After having been found responsible for committing three (3) or more civil infractions of the same code provision in any twenty-four (24) month period, a person is a habitual offender and may be charged with a class one misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than twenty-five hundred dollars (\$2500), imprisonment for a period not to exceed 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).

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

AYES: 6


NAYES: 0 ABSENT: 0

EXCUSED: 1 ABSTAINED: 0

APPROVED this 21st day of December, 2023.

  
Michael E. LeVault, Mayor

ATTEST:

  
Town Clerk

APPROVED AS TO FORM:



Pierce Coleman PLLC

Town Attorneys

By Trish Stuhan

*Michelle Stinson*

I, Nicole Smart, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO.2023-06 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 21<sup>ST</sup> DAY OF DECEMBER 2023, WAS POSTED IN THREE PLACES ON THE 22<sup>ND</sup> DAY OF DECEMBER, 2023.



Town Clerk