

**ORDINANCE NO. 2021-894**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING THE PROVISIONS RELATING TO BUILDING SETBACKS WHEN ADJACENT TO A STREET.**

**WHEREAS**, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the "UDO"), by modifying the provisions relating to building setbacks when adjacent to a street (the "Text Amendment"); and

**WHEREAS**, the Town Council has determined that the Text Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other 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; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the Text Amendment; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The UDO, Section 4.28 (Building Setbacks When Adjacent to a Street), is hereby amended as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

4.28 **FRONT YARD AND STREET SIDE YARD BUILDING SETBACKS WHEN ADJACENT TO A STREET**

- A. Intent: DEFINE WHERE FRONT AND STREET SIDE YARD SETBACKS SHALL BE MEASURED IN ANTICIPATION OF FUTURE REQUIRED RIGHT-OF-WAY DEDICATIONS. ~~allow for the acquisition of future right of way dedications and leave a reasonable building setback remaining for the existing structure.~~
- B. Setback requirement: all of the setbacks shall be measured from the SUBJECT PARCEL'S FRONT OR STREET SIDE YARD PROPERTY LINE. IF ADDITIONAL RIGHT-OF-WAY IS REQUIRED ALONG THE PARCEL'S FRONT OR STREET SIDE PROPERTY LINE, THEN THE SETBACK SHALL BE MEASURED FROM THE ANTICIPATED PROPERTY LINE AFTER DEDICATION OF REQUIRED RIGHT-OF-WAY. ~~presumed dedication of twenty five (25) feet from the section, mid-section, or~~

~~presumed street center line, which ever applies; whether or not the dedication has actually occurred at this time.~~

~~Under special circumstances a reduction in the setback requirement may be granted by the Zoning Administrator.~~

### C. ARTERIAL STEETS

1. **ARTERIAL STREET Building setbacks** shall be 20 FEET FROM THE PROPERTY LINE. IF ADDITIONAL RIGHT-OF-WAY IS NEEDED TO OBTAIN THE TOTAL 80-FOOT RIGHT-OF-WAY WIDTH REQUIRED FOR ARTERIAL STREETS, THEN THE SETBACK SHALL BE 20 FEET FROM THE ANTICIPATED PROPERTYLINE AFTER ALL NECESSARY RIGHT-OF-WAY DEDICATIONS ARE MADE. ~~a minimum of fifty (50) feet from all one (1) mile streets/arterial.~~
2. **STATE ROUTE 89 BUILDING SETBACKS** SHALL BE 50 FEET, MEASURED FROM THE PROPERTY LINE. IF ADDITIONAL RIGHT-OF-WAY IS NEEDED ALONG STATE ROUTE 89 THEN THE SETBACK SHALL BE 50 FEET FROM THE ANTICIPATED PROPERTY LINE AFTER ALL NECESSARY RIGHT-OF-WAY DEDICATIONS ARE MADE.
3. **STREETS CLASSIFIED AS ARTERIAL STREETS: ~~ONE (1) MILE STREETS/ARTERIAL:~~**
  - a. Road 6 North
  - b. Road 5 North
  - c. Road 4 North
  - d. Road 3 North
  - e. Road 2 North
  - f. Center Street
  - g. Road 2 South
  - h. Outer Loop Road/ Road 4 South
  - i. Road 5 South
  - j. Road 1 East
  - k. Road 1 West
  - l. The East Side of Reed Road; and
  - m. Perkinsville Road

~~In addition, building setbacks shall be fifty (50) feet from State Route 89 rights of way.~~

~~Building setbacks shall be a minimum of forty (40) feet from all one half (1/2) mile streets/collector.~~

### D. COLLECTOR STREETS

1. **BUILDING SETBACKS** SHALL BE 20 FEET FROM THE PROPERTY LINE. IF ADDITIONAL RIGHT-OF-WAY IS NEEDED TO OBTAIN THE TOTAL 80-FOOT RIGHT-OF-WAY WIDTH REQUIRED FOR COLLECTOR STREETS, THEN THE SETBACK SHALL BE 20 FEET FROM THE ANTICIPATED PROPERTYLINE AFTER ALL NECESSARY RIGHT-OF-WAY DEDICATIONS ARE MADE.

2. **STREETS CLASSIFIED AS COLLECTOR STREETS: ONE HALF (1/2) MILE STREETS/COLLECTOR:**

- a. Road 4 1/2 North
- b. Road 3 1/2 North
- c. Road 1 North
- d. Road 1 South
- e. Road 3 South

**E. LOCAL STREETS**

**Building setbacks** shall be 20 FEET FROM THE PROPERTY LINE. IF ADDITIONAL RIGHT-OF-WAY IS NEEDED TO OBTAIN THE TOTAL 50-FOOT RIGHT-OF-WAY WIDTH REQUIRED FOR LOCAL STREETS, THEN THE SETBACK SHALL BE 20 FEET FROM THE ANTICIPATED PROPERTY LINE AFTER ALL NECESSARY RIGHT-OF-WAY DEDICATIONS ARE MADE. ~~be a minimum of twenty (20) feet from all other streets/local streets.~~

**F. ARTERIAL STREET SIDE YARD SETBACK EXEMPTIONS**

PROPERTIES SHALL BE PERMITTED TO UTILIZE A 10-FOOT REDUCED ARTERIAL STREET-SIDE SETBACK IF THE FOLLOWING CONDITIONS HAVE BEEN MET:

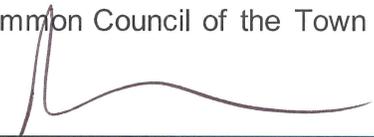
- 1. THE ARTERIAL STREET ADJACENT TO THE PROPERTY WAS PREVIOUSLY REQUIRED TO HAVE 50-FOOT HALF STREET IMPROVEMENTS, BUT FOR WHICH THE REQUIREMENT IS NOW 40-FOOT HALF STREET IMPROVEMENTS.
- 2. THE REQUIRED 50-FOOT HALF-STREET IMPROVEMENTS WERE PROVIDED PRIOR TO THE REDUCTION TO THE 40-FOOT REQUIRED HALF STREET IMPROVEMENTS.
- 3. THE MINIMUM SETBACK FROM THE FRONT OF A GARAGE TO THE STREET IS MAINTAINED AT NOT LESS THAN A 20-FOOT SETBACK FROM AN EXISTING STREET.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. 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, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of January, 2021.

  
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Jack W. Miller, Mayor

ATTEST:

  
\_\_\_\_\_  
Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gust Rosenfeld PLC, Town Attorney  
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2021-894 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 12, 2021, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions.  
1 Council members were absent or excused.

  
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Erin N. Deskins, Town Clerk