

**ORDINANCE NO. 2023-932**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE BY AMENDING CERTAIN PROVISIONS OF SECTION 4.5 RELATED TO YARD, LOT, AND AREA REQUIREMENTS.**

**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 amending section 4.5 (Yard, Lot and Area Requirements) as set forth herein (the “Text Amendment”); and

**WHEREAS**, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

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

**WHEREAS**, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

**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 hereby incorporated as if fully set forth herein.

Section 2. UDO section 4.5 (Yard, Lot and Area Requirements), paragraph 10 is hereby deleted in its entirety and replaced with the following:

**4.5 YARD, LOT AND AREA REQUIREMENTS**

10. Notwithstanding other provisions of this code to the contrary, flag-shaped or panhandle lots (“flag lots”) may be created by land split in any zone with a minimum required acreage of one (1) or more acres if all the following requirements are met:

a. The lot must have at least fifty (50) feet of frontage on a dedicated public street or a private street established in a final plat; and

b. The entire flagpole or panhandle (“flagpole”) portion of the lot must be at least fifty (50) feet wide or, if a maximum of two (2) adjacent flagpoles share access, each flagpole must have at least 25 feet of frontage, for a combined

frontage of at least 50 feet, and the lots sharing access must have a shared access agreement recorded and reflected on the land split's record of survey; and

c. Except as permitted in b above, the minimum separation between the edges of flagpoles must equal or exceed the minimum lot width for the respective zone in which the property is located; and

d. The length of the flagpole must not exceed three hundred thirty (330) feet as measured from the right-of-way line or street chord upon which the flagpole fronts on a public street or final platted private street to the front line of the body of the lot; and

e. The flagpole portion of a flag lot must be included in calculating the gross square footage of a lot where the flagpole is contiguous to the lot in question and is or was owned by the owner of the lot in question when the Town accepted ownership of the flagpole, or a portion thereof, pursuant to a dedication the owner made to create a public street, using all or part of the flagpole and, if applicable, other property; and

f. Existing lots that would otherwise meet the definition of a flag lot but for the width or length of the flagpole used to access the lot must be considered non-conforming flag lots.

Section 5. 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 thereof.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

(SIGNATURES ON THE FOLLOWING PAGE)

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 25th day of April 2023.



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Jack W. Miller, Mayor

ATTEST:



*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



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

I hereby certify the above foregoing Ordinance No. 2023-932 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on April 25, 2023, and that quorum was present, and that the vote thereon was 5 ayes and 1 nays and 0 abstentions. 1 Council members were absent or excused.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk