

When recorded, return to:

Town Clerk  
Town of Chino Valley  
202 N. State Route 89  
Chino Valley, Arizona 86323

**ORDINANCE NO. 2023-937**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 14 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF N ROAD 1 WEST APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF N ROAD 1 WEST AND W ROAD 4 NORTH, FROM AGRICULTURAL RESIDENTIAL 5-ACRE MINIMUM (AR-5) TO SINGLE FAMILY RESIDENTIAL 1-ACRE MINIMUM (SR-1).**

**WHEREAS**, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 14 acres of real property (Yavapai County Assessor Parcel No. 306-05-104C) located on the west side of N Road 1 West approximately 1,000 feet north of the intersection of N Road 1 West and W Road 4 North, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1) (the “Zoning Map Amendment”); and

**WHEREAS**, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); 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 Town’s Planning and Zoning Commission recommended approval of the Zoning Map Amendment; 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.** The Zoning Map Amendment is hereby approved, and the Official Zoning Map is hereby amended for property consisting of approximately 14 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1), subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulations:

1. The property owner shall sign and notarize a Waiver of Claims form that the staff will record with the County Recorder against the property.
2. The owner shall deed-restrict development of the lots to site-built homes only.
3. The owner shall dedicate approximately 15' of additional right-of-way, for a total of 40' west of the east line of section 4 along North Road 1 West per the Town's Urban and Rural Roadways Map (Rural Section with Trail). The exact amount to be dedicated will be determined through a survey and subject to approval by the Town.
4. The owner shall improve the west half of North Road 1 West along the entire frontage of the property per the Town's Urban and Rural Roadways Map (Rural Section with Trail) as follows:
  - a. 12' minimum asphalt road half-width.
  - b. 5' paved shoulder, thickened edge.
  - c. Bar ditch.
  - d. 10' Trail.
5. The owner shall dedicate and improve internal streets (full-width) per UDO § 5.3.2, Table 5-1 (Rural Local Road), as follows:
  - a. 50' minimum right-of-way.
  - b. 24' asphalt road width.
  - c. 5' paved shoulder, thickened edge.
  - d. Bar ditch.
  - e. At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of 35 feet for collector and arterial streets.
  - f. Cul-de-sac streets shall terminate in a circular right-of-way 60 feet in radius with a minimum improved traffic turning circle 48 feet in radius.

**Section 3.** Pursuant to ARIZ. REV. STAT. § 9-462.01(E), if the property is not developed within five years of the effective date of this ordinance, the Town Council may take legislative action to revert the zoning of the property to the prior zoning classification, Agricultural Residential 5-Acre Minimum (AR-5).

**Section 4.** The Town Manager is authorized and directed, upon the effective date of this ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

**Section 5.** If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed

separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

**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.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of September 2023.



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Jack W. Miller, Mayor  
Eric Granillo, Vice-Mayor for Mayor Miller

ATTEST:



*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



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Andrew J. McGuire, Town Attorney  
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2023-937 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 26, 2023, and that quorum was present, and that the vote thereon was 4 ayes and 2 nays and 0 abstentions. 1 Council members were absent or excused.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

EXHIBIT 1  
TO  
ORDINANCE 2023-937

[Legal Description]

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF ABOVE SAID SECTION 4 AS SHOWN ON THE PLAT OF RECORD FOUND IN BOOK 173 OF LAND SURVEYS, PAGE 27, YAVAPAI COUNTY RECORDS;

THENCE NORTH 00°50'25" WEST, 25.03 FEET ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4 TO A POINT ON THE NORTH LINE OF ROAD 4 NORTH MARKED WITH A FOUND ONE-HALF INCH REBAR WITH PLASTIC CAP STAMPED "RLS 19353";

THENCE NORTH 00°50'25" WEST, 2737.44 FEET ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROAD 4 1/2 NORTH;

THENCE SOUTH 89°05'09" EAST, 2684.15 FEET ALONG SAID SOUTH LINE TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LIEN OF ROAD 1 WEST MARKED WITH A ONE-HALF INCH REBAR;

THENCE SOUTH 01 °29'42" EAST, 1139.24 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A ONE-HALF INCH REBAR WITH PLASTIC CAP STAMPED "FAMAS RLS 27737" AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 01 °29'42" EAST, 632.11 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A ONE-HALF INCH REBAR WITH PLASTIC CAP STAMPED "FAMAS RLS 27737";

THENCE NORTH 89°05'09" WEST, 965.47 FEET TO A ONE-HALF INCH REBAR WITH PLASTIC CAP STAMPED "FAMAS RLS 27737";

THENCE NORTH 01 °32'23" WEST, 632.13 FEET TO A ONE-HALF INCH REBAR WITH PLASTIC CAP STAMPED "FAMAS RLS 27737";

THENCE SOUTH 89°05'09" EAST, 965.97 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT 2  
TO  
ORDINANCE 2023-937

[Zoning Map]

