

When recorded, return to:

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

**ORDINANCE NO. 2024-946**

**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 10 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTH SIDE OF EAST ROAD 2 NORTH, FROM AR-5 (AGRICULTURAL RESIDENTIAL, 5-ACRE MINIMUM) TO SF-12,000 (SINGLE FAMILY RESIDENTIAL, 12,000 SQUARE FOOT MINIMUM).**

**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 10 acres of real property (Yavapai County Assessor Parcel Nos. 306-18-017C and 306-18-017D) generally located at the North Side of East Road 2 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, 12,000 Square Foot Minimum (“SF-12,000”) (the “Zoning Map Amendment”); and

**WHEREAS**, the Town Council has determined that this Zoning Map Amendment is in conformance with the Make it Chino! 2040 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 (ZC-2024-04); 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 a housing impact statement in accordance with A.R.S. 9-462.01.

**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 10 acres, as described in Exhibit

1 and shown on the Zoning Map in Exhibit 2, to rezone the property from AR-5 to SF-12,000, subject to the requirements of the Chino Valley Town Code ("Town Code"), the UDO, and the following stipulations:

1. The property owner shall comply with all conditions, codes, rules, fees, and regulations applicable to this action.
2. The developer shall connect the subdivision to the Town's public water system per Town Code § 51.075. The developer shall construct a new minimum 12" water main between North Road 1 East and the eastern property line of 306-18-017D.
3. The developer shall connect the subdivision to the Town's public wastewater system per Town Code § 51.155. The Town has an existing 12" sewer main in East Road 2 North.
4. Legal access to Road 2 North will be provided by that certain easement for the dedication of Road 2 North recorded on January 30, 2002, at Book 3897, Page 423, Records of Yavapai County, Arizona, Yavapai County Recorder's No. 3426062 (the "Road 2 North Easement"). To the fullest extent permitted by law, the owner agrees to indemnify and hold harmless the Town and each council member, officer, employee, or agent thereof (the Town and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs, and expenses (including, but not limited to, reasonable attorneys' fees, court costs, and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon owner's access to Road 2 North via the Road 2 North Easement or any improvements constructed in the easement by the owner.
5. The developer shall dedicate right-of-way per UDO § 5.3.2 as follows:
  - a. East Road 2 North: 30' north of the southern line of section 14, equating to a total East Road 2 North right-of-way of 80'.
  - b. East Road 2 North and the Subdivision's Front Entrance: 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.
  - c. Merritt Lane: The northern 25' of the subdivision, equating to a total Merritt Lane right-of-way of 50'.
  - d. Merritt Lane and the Subdivision's Rear Entrance: At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of 25 feet for local streets.
  - e. Internal Streets: Minimum right-of-way width is 50'. At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of 25 feet for local streets.
6. The developer shall construct the half-width improvements on East Road 2 North along the subdivision's frontage per the Town's Urban and Rural Roadways map as follows:

- a. The improvements shall include, at a minimum, a 10' concrete multi-use path, required landscaping, 6" concrete curb and gutter, and asphalt road half-width improvements to include a 12' thru lane and half of a 14' two-way left turn lane.
7. The developer shall construct the following onsite improvements per UDO § 5.3.2:
  - a. Internal Streets: Per Urban Local Road standards, that includes 24' asphalt minimum roadway width without on-street parking, rolled concrete curb, and 5' minimum concrete sidewalk on one side.
8. The developer shall align the proposed Meadowview Ct with the existing Tumbleweed Dr to the south.
9. The developer shall construct a full-width, minimum 2" asphalt overlay on Merritt Lan between the northerly EC/BC of Bucky Oneil Dr and the eastern property line of 306-18-017D.
10. The developer shall, except as exempted in Town Code § 150.082, underground all existing and new utility and telephone lines, electric utility distribution lines, cable television lines, and all other communication and utility lines in accordance with Town Code § 150.081 at the time of development of the property as part of the required off-site and on-site improvements. The developer shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

**SECTION 3.** Per A.R.S. § 9-462.01(E), if the property owner does not produce evidence of compliance with the above stipulations or if construction does not commence within four years of this approval, the Town Council may take legislative action to revert the properties' zoning to the prior zoning classification, 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.

(SIGNATURES FOLLOW)

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of September 2024.

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

I hereby certify that the above foregoing Ordinance No. 2024-946 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 10, 2024, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

EXHIBIT 1  
TO  
ORDINANCE 2024-946

[Property Descriptions]

PARCEL I:

All that portion of Tract 52, Section 14, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Tract 52;

Thence North 00°03'27" West, along the West line of said tract, a distance of 25.00 feet to THE POINT OF BEGINNING;

Thence South 89°59'40" East (basis), along a line that is 25.00 feet North of, and running parallel with the South line of said tract, a distance of 268.02 feet;

Thence North 00°03'27" West, a distance of 812.67 feet to a point on the South line of CHINO MEADOWS, Unit 1, as recorded in Book 9 of Maps and Plats, Page 65 of the Yavapai County Recorder's Office;

Thence South 89°59'57" West, along said South line, a distance of 268.02 feet to a point on the West line of said tract;

Thence South 00°03'27" East, along said West line, a distance of 812.64 feet to THE POINT OF BEGINNING.

PARCEL II:

All that portion of Tract 52, Section 14, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Tract 52;

Thence North 00°03'27" West, along the West line of said tract, a distance of 25.00 feet;

Thence South 89°59'40" East (basis), along a line that is 25.00 feet North of, and running parallel with the South line of said tract, a distance of 268.02 feet to THE POINT OF BEGINNING;

Thence continuing South 89°59'40" East, a distance of 268.01 feet;

Thence North 00°03'27" West, a distance of 812.70 feet to a point on the South line of CHINO MEADOWS, Unit 1, as recorded in Book 9 of Maps and Plats, Page 65 of the Yavapai County Recorder's Office;

Thence South 89°59'57" West, along said South line, a distance of 268.01 feet;

Thence South 00°03'27" East, a distance of 812.67 feet to THE POINT OF BEGINNING.

EXHIBIT 2  
TO  
ORDINANCE 2024-946

[Zoning Map]

