

ORDINANCE NO. 2025-956

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE TOWN CLERK TITLED “2025 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 154 REGARDING RENEWABLE ENERGY FACILITIES”; ADOPTING THE SAME BY REFERENCE; AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY AS SET FORTH THEREIN; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend Chino Valley Town Code Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), regarding renewable energy facilities; and

WHEREAS, the Town Council has determined that the Amendment (defined below) 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, in accordance with A.R.S. § 9-462.01, the Town Council has considered a housing impact statement that includes the information required by A.R.S. § 9-462.01(J)(1)-(3); and

WHEREAS, the Town of Chino Valley Planning and Zoning Commission held a public hearing on the Amendment and recommended its approval; and

WHEREAS, the Town Council finds that the Amendment recommended by the Planning and Zoning Commission is appropriate and in the Town’s best interests.

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

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

SECTION 2. That certain document titled “2025 Amendments to Chino Valley Town Code Chapter 154 Regarding Renewable Energy Facilities” (the “Amendment”), of which one paper copy and one electronic copy are maintained, in compliance with A.R.S. § 44-7041, on file in the office of the Town Clerk as required by A.R.S. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record and said copies thereof are hereby ordered to remain on file with the Town Clerk.

SECTION 3. The UDO is hereby amended as set forth in the Amendment, which is hereby referred to, adopted, and made a part hereof as if fully set forth herein.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the Amendment adopted herein is for any reason held to be invalid or

unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Any violation of the UDO shall be charged, filed, and prosecuted as a civil infraction as set forth in Section 1.10.2 of the UDO. Any person who violates the UDO after previously having been found responsible for committing two or more civil infractions of the UDO within any 36-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in Section 1.10.3 of the UDO. The Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Chino Valley Municipal Court against such habitual offenders who violate the UDO. For purposes of calculating the 36-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

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 23rd day of September 2025.



Tom Armstrong, Mayor

ATTEST:



Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the foregoing Ordinance No. 2025-956 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on September 23, 2025, and that quorum was present, and that the vote thereon was 7 ayes, 0 nays, and 0 abstentions. 0 Council members were absent or excused.



Erin N. Deskins, Town Clerk

**2025 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 154
REGARDING
RENEWABLE ENERGY FACILITIES**

SECTION 1. Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance (the “UDO”), Section 2.2, Meaning of Words and Terms, is hereby amended by adding the following definitions and making conforming changes:

CONCENTRATED SOLAR POWER (CSP). A power-generating system that uses focused light to generate heat, which is then converted into electricity through a mechanical or thermochemical process.

UTILITY-SCALE SOLAR FACILITY. Any solar facility or solar array where the principal purpose and operational intent is the generation of electricity primarily for sale or distribution to off-site consumers or the utility grid, rather than for on-site use by the property owner or occupant. This term does not include Town projects or residential applications where an individual property’s excess electrical power is sold back to the local electric utility provider.

UTILITY-SCALE WIND FARM. Any wind energy facility or wind turbine installation where the principal purpose and operational intent is the generation of electricity primarily for sale or distribution to off-site consumers or the utility grid, rather than for on-site use by the property owner or occupant. This term does not include Town projects.

SECTION 2. UDO Section 2.2, Meaning of Words and Terms, is hereby amended as follows (~~deletions~~; additions):

~~BATTERY ENERGY STORAGE SYSTEM (BESS). An electrochemical device, or multiple electrochemical devices assembled together, that stores energy to supply electrical energy at a future time. This term does not include a standalone 12-volt car battery or electric motor vehicle, or batteries for use in consumer products. that charges or collects energy from the electrical grid or an electricity generating facility, such as a Utility Scale Solar Photovoltaic Facility, and then discharges that energy at a later time to provide electricity when needed.~~

~~DECOMMISSIONING PLAN. A plan that specifies how a utility scale solar photovoltaic facility will be dismantled, removed, and disposed of after the end of its useful life or upon deactivation and how its site will be restored to its pre-construction condition.~~

~~SOLAR FACILITY USE PERMIT. A permit signifying that the developer has completed, or agreed to complete, through a development agreement, all project conditions and requirements. A solar facility use permit is required before the Town can approve a project.~~

~~SOLAR PROJECT AREA. The total acreage encompassed by a solar facility, including buffers, wildlife corridors, and other areas that remain unfenced and undisturbed.~~

SECTION 3. UDO Section 4, General Regulations, 4.2, Permitted Uses, is hereby amended as follows (~~deletions~~; **additions**):

4.2 PERMITTED USES.

1. Those uses listed as “permitted uses” shall be allowed to establish within any ~~zone~~ **zoning** district in which they are listed, subject to the specific requirements of this Ordinance. **There may be uses defined in this Ordinance that are not listed within any zoning district. Any use not specifically listed as a permitted use within a zoning district is not allowed.** ~~All other uses shall be prohibited~~ except as otherwise provided in this Ordinance.
2. Conditional uses. Those uses listed as “conditional uses” shall require a “Conditional Use Permit” in order to establish within the ~~zone~~ **zoning** district in which they are listed, and shall be subject to all conditions and requirements imposed by the Commission or Council in connection with the “Conditional Use Permit.”
3. Accessory uses. A use defined in Section 2.

SECTION 4. UDO Section 4, General Regulations, is hereby amended to add the following as Section 4.33, Renewable Energy Facilities:

4.33 RENEWABLE ENERGY FACILITIES.

- A. Roof-mounted solar panels are allowed on homes and parking structures, provided that making space for solar panels is not the primary purpose of the structure, and provided further that, on commercial properties, solar panels mounted on top of parking structures are limited to only the space over the minimum required parking stalls for the business. Installing additional parking stalls primarily to accommodate solar panels is not allowed.
- B. Ground-mounted solar panels and arrays are allowed on individual residential properties if the power generated is used exclusively on-site, and the installation does not otherwise meet the definition of a utility-scale solar facility.
- C. Ground-mounted, roof-mounted, and structure-mounted wind turbines are allowed on individual residential properties if the power generated is used exclusively on-site, and the installation does not otherwise meet the definition of a utility-scale wind farm. There can be up to one turbine per acre, with a maximum of three turbines per property. No wind turbine may exceed 35 feet in height without a conditional use permit granted in accordance with Section 1.9.3, which the Council may grant in its sole and absolute discretion.
- D. Battery energy storage systems are allowed in homes and businesses if the stored energy is used exclusively on-site.