

ORDINANCE NO. 15-797

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: CHAPTER 1: ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESS, SUBSECTION 1.9.2 AMENDMENT, PARAGRAPH E PROTESTS RELATED TO CLARIFYING AND PROVIDING STANDARDS FOR FILING LEGAL PROTESTS TO REZONING DECISIONS OF THE TOWN COUNCIL; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES**

WHEREAS, the Town Council finds it is necessary and in the best interests of the Town to amend the Unified Development Ordinance to eliminate contradictions, clarify language, and establish certain procedures related to legal protests to rezoning decisions; and

WHEREAS, the Town Council has determined that the proposed amendments will protect the rights of applicants and surrounding neighbors; 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.

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

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 1: Administration and Procedures, Section 1.9.2 (E) Protests is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

- E. Protests. If the owners of twenty (20) percent or more of the area of the lands included in a proposed Ordinance or zoning map change, or those immediately adjacent in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the street frontage of opposite lots, file a protest in writing against a proposed Ordinance amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). WRITTEN PROTESTS MUST BE FILED WITH AND RECEIVED BY THE TOWN CLERK AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING AT WHICH THE ORDINANCE OR ZONING MAP CHANGE WILL BE HEARD BY THE COUNCIL.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 23<sup>rd</sup> day of June, 2015 by the following vote:

AYES: 5

ABSENT: 1


NAYS: 0

ABSTAINED: 0

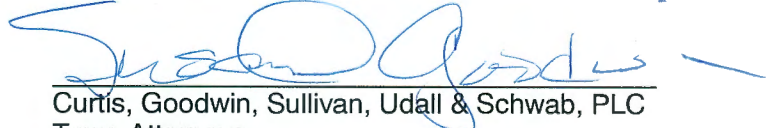
APPROVED this 23<sup>rd</sup> day of June, 2015.

  
Chris Marley, Mayor

ATTEST:

  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC

Town Attorneys

By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-799 ADOPTED BY THE COMMON COUNCIL OF THE TOWN

OF CHINO VALLEY ON THE 23<sup>rd</sup> DAY OF June, 2015, WAS POSTED IN THREE  
PLACES ON THE 25<sup>th</sup> DAY OF June, 2015.

Jami Lewis for  
Jami Lewis, Town Clerk