

**ORDINANCE NO. 10-734**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE SUBSECTION 4.23 PUBLIC STREET SYSTEM AND PUBLIC USE ACCESS SYSTEM BY ADDING SUBPARAGRAPH (E)(5) RELATING TO RIGHTS-OF-WAY**

WHEREAS, on November 9, 2006, the Town Council of Chino Valley adopted Ordinance No. 06-678 adopting the Unified Development Ordinance; and

WHEREAS, an amendment is needed for procedures to enforce the Unified Development Ordinance set forth in Section 4.23; and

WHEREAS, on June 17, 2010, the Planning Commission ("Commission") conducted a Public Hearing to discuss the amendments in this Ordinance, during which testimony was presented by Town staff; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 6-0 vote (Commissioner Schmidt absent) to forward the amendment to the Town Council with a recommendation for approval; and

WHEREAS, at their regular meeting of July 8, 2010, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the addition of Unified Development Ordinance Subsection 4.23 subparagraph (E)(5)..

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:**

Section 1. That Subsection 4.23 of the Town of Chino Valley Unified Development Ordinance ("UDO") entitled "Public Street System And Public Use Access System" is hereby amended by adding new subparagraph (E)(5) as follows:

**4.23 PUBLIC STREET SYSTEM AND PUBLIC USE ACCESS SYSTEM**

**E. RIGHT-OF-WAY DEDICATION**

**5. IN NO CASE SHALL RIGHT-OF-WAY OR PUBLIC STREET OF THE PUBLIC USE ACCESS SYSTEM, AS REQUIRED BY THIS UDO, BE CONSIDERED AS CREATING NON-CONFORMING LOTS OR PREVENT SUCH LOTS FROM**

LEGALLY BEING SPLIT AS OTHERWISE GOVERNED IN THIS UDO DUE TO  
LOSS OF AREA AS A RESULT OF SUCH REQUIREMENTS.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. 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.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 8<sup>th</sup> day of July, 2010.

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Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jami C. Lewis, Town Clerk

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Musgrove Drutz & Kack, P.C.  
Town Attorney