

ORDINANCE NO. 17-830

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE VILLAGE NORTH PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF CHINO VALLEY BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 9.22 ACRES LOCATED APPROXIMATELY ONE THOUSAND TWO HUNDRED FEET EAST OF THE INTERSECTION OF STATE ROUTE 89 AND ROAD 2 NORTH, FROM MR/MHP-4 (MULTI-FAMILY RESIDENTIAL/MOBILE HOME PARK, 4 ACRE MINIMUM) ZONING DISTRICT TO MR/MHP-4 (MULTI-FAMILY RESIDENTIAL/MOBILE HOME PARK, 4 ACRE MINIMUM) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.**

WHEREAS, by adoption of this Ordinance, the Town Council desires to provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley to permit flexibility in the design of residential, commercial and/or industrial developments in conformity with the intent and purpose of the General Plan and Unified Development Ordinance; modify underlying zoning district regulations to permit flexibility and innovation in developmental design and provide opportunities for unique or mixed-use development; and promote economical construction and maintenance of streets and utilities without compromising public safety and welfare; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; 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 Planning and Zoning Commission, by unanimous vote recommends approval of the rezoning;

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

Section 1.      In General.

1.      The Village North Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit C, is hereby approved.

2.      The Official Zoning Map of the Town of Chino Valley is hereby amended by changing the zoning classification of property consisting of approximately 9.22 acres, described in the legal description, Exhibit A and shown on the Zoning Exhibit (map) in Exhibit B (the

“Property”), both of which are attached hereto and incorporated herein by this reference, from MR/MHP-4 (Multi-family Residential/Mobile Home Park, 4 acre minimum) zoning district to MR/MHP-4 (Multi-family Residential/Mobile Home Park, 4 acre minimum) zoning district with a Planned Area Development Overlay (PAD) zoning district, in accordance with the Development Plan, as defined in Paragraph 3, herein.

3. The following definitions shall apply:

- a. “Project” shall mean the “Village North PAD” containing approximately 9.22 acres, located approximately 1,200 feet east of the intersection of State Route 89 and Road 2 North;
- b. “Development Plan” shall mean that certain document submitted pursuant to Section 1.9.4.3 of the Unified Development Ordinance, as follows:

Exhibit C: Development Plan (Site Plan) Exhibit of the Village North Planned Area Development, dated February 17, 2017.

4. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Town of Chino Valley Unified Development Ordinance. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Dedication to Chino Valley for right-of-way from East Road 2 North and continuing along the eastern boundary of the Property shall be completed prior to issuance of a building permit for any building in the Project, or sooner, as required by the Town Engineer. Failure to complete dedication as required by this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. Dedication of the right-of-way described above in paragraph a shall extend 50 feet in width from Road 2 North and continuing along the eastern boundary of the Property.
- c. Developer shall construct improvements to the right-of-way (a street), which shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property, or at the time requested by Chino Valley, whichever is earlier. Improvements shall be constructed in compliance with YAG/MAG standards, including curbs, gutters, and sidewalk on one (1) side and dedicated to the Town upon approval and acceptance of the Town Engineer.
- d. Developer shall provide Chino Valley with a Traffic Impact Analysis (TIA) for review and acceptance by the Town Engineer/Public Works Director. Developer shall construct off-site improvements as recommended by the TIA. All such improvements shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Chino Valley, whichever is earlier. Improvements shall be constructed to YAG/MAG standards and dedicated to the Town upon approval and acceptance by the Town Engineer.

- e. Emergency access/egress shall be provided as illustrated on the Development Plan (Site Plan). Developer shall provide a copy of the recorded deed or easement establishing said emergency access/egress.
- f. At the written request of Chino Valley, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Chino Valley's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- g. All residential units shall be connected to and served by the Town of Chino Valley water and sewer. Developer shall install service lines for sewer and water along the entire frontage of the Property. Any and all recharge credits shall inure to the benefit of the Town of Chino Valley.
- h. The Project shall be developed in conformance with Chino Valley's zoning requirements for the zoning districts and all development shall comply with the Unified Development Ordinance, except as modified by the following:
  - 1. Overall density shall be increased to 17 dwelling units per acre.
  - 2. Required landscaping shall be reduced by at least 25% but not more than 40%. Prior to installation of any landscaping, Developer shall submit an Alternative Landscape Plan for approval by the Zoning Administrator.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 11th day of April, 2017 by the following vote:

AYES: 5

ABSENT: 1

NAYS: 0

ABSTAINED: 0

APPROVED this 11th day of April, 2017.

  
Darryl L. Croft, Mayor

ATTEST:

  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
Phyllis L.N. Smiley, Town Attorney  
Gust Rosenfeld, PLC

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-830 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 11<sup>TH</sup> DAY OF APRIL, 2017, WAS POSTED IN THREE PLACES ON THE 27<sup>TH</sup> DAY OF APRIL, 2017.

  
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)
- C. Development Plan

**EXHIBIT A**  
**LEGAL DESCRIPTION**

EXHIBIT B  
ZONING EXHIBIT (MAP)



# EXHIBIT C DEVELOPMENT PLAN

