

ORDINANCE NO. 18-845

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 2.5 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF STALEY LANE AND DURHAM DRIVE AT 3845 DURHAM DRIVE, FROM CL (COMMERCIAL LIGHT) ZONING DISTRICT TO CH (COMMERCIAL HEAVY) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley Official Zoning Map to change the zoning for a \pm 2.5 acre parcel of real property from CL (Commercial Light) to CH (Commercial Heavy); 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 recommends approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance,

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

Section 1. In General.

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

1.2 The Official Zoning Map is hereby amended for property consisting of approximately 2.5 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, from CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district.

1.3 The Property described in Paragraph 1.2 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance.

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All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

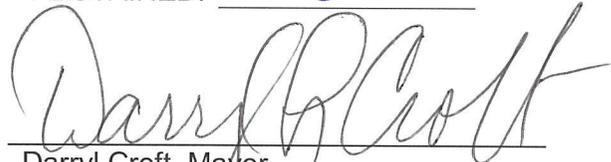
Section 4. Providing for Penalties.

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 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 24th day of April, 2018 by the following vote:

AYES: 6
NAYS: 0

ABSENT: 1
ABSTAINED: 0



Darryl Croft, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-845 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 24th DAY OF April 2018, WAS POSTED IN THREE PLACES ON THE 27th DAY OF APRIL, 2018.



Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE NO. 18-845

[Legal Description]

See following pages.

LEGAL DESCRIPTION

All that portion of Section 3, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 3;

Thence North 00 degrees, 50 minutes, 35 seconds West (basis of bearing), along the East line of said Section 11, a distance of 1882.57 feet to the POINT OF BEGINNING;

Thence continuing North 00 degrees, 50 minutes, 35 seconds West, distance of 302.48 feet;

Thence South 89 degrees, 26 minutes, 30 seconds West, a distance of 315.50 feet to the beginning of a curve to the right, having a radius of 4681.39 feet;

Thence Southerly, along said curve, a distance of 294.45 feet, with a chord bearing South 04 degrees, 14 minutes, 05 seconds West, 294.40 feet;

Thence South 05 degrees, 55 minutes, 20 seconds West, a distance of 4.10 feet;

Thence South 89 degrees, 42 minutes, 53 seconds East, a distance of 342.11 feet to the POINT OF BEGINNING.

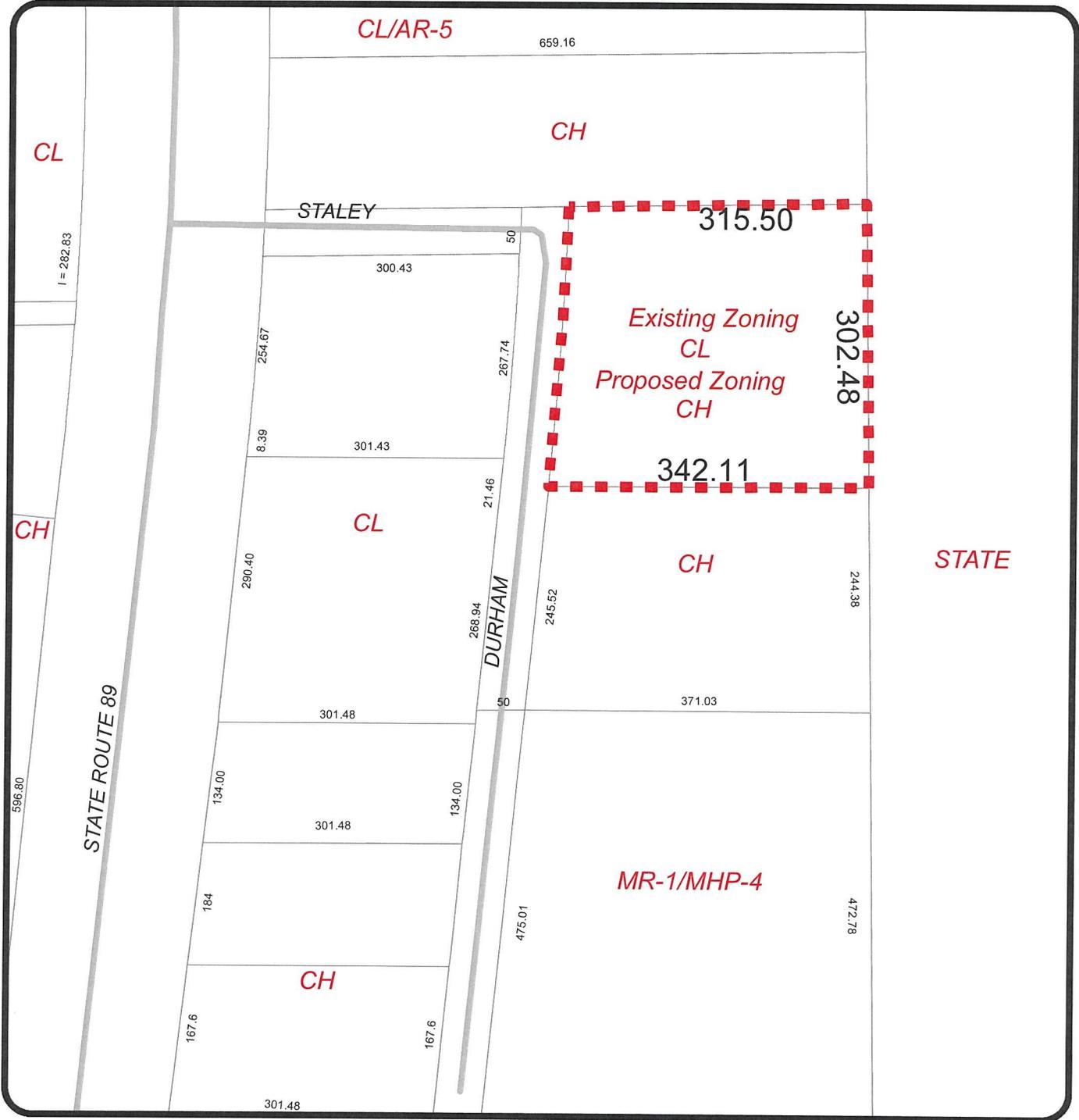
EXCEPT all coal, oil, gas and other minerals as reserved from said land.

EXHIBIT 2
TO
ORDINANCE NO. 18-845

[Zoning Exhibit]

See following pages.

Zoning Exhibit A



Z18-000004: Mendoza

■ ■ ■ Subject Property

Applicant: Corey Mendoza
 Request: CL to CH
 Location: 3845 Durham, Chino Valley, AZ, APN- 306-04-047B



Not to Scale