

ORDINANCE NO. 2021-898

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 8.56 ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH ROAD 1 EAST AND EAST CENTER STREET, FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5-ACRE MINIMUM) TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1-ACRE MINIMUM).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desire to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 8.56 acres of real property generally located on the southeast corner of the intersection of South Road 1 East and East Center Street, from AR-5 (Agricultural Residential – 5-acre minimum) to SR-1 (Single Family Residential – 1-acre minimum) (the “Zoning Map Amendment”); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

WHEREAS, the Zoning Administrator has determined that this Zoning Map Amendment does not require additional paving to East Center Street due to its existing pavement width and proximity to the subject property’s property line. Future East Center Street reconstruction will utilize the existing pavement to satisfy UDO requirements for a widened shoulder with a thickened edge; and

WHEREAS, the Zoning Administrator has determined that this Zoning Map Amendment does not require a minimum five-foot concrete sidewalk with a six-inch vertical curb and gutter on the south side of East Center Street. Pursuant to UDO Table 5-1, the Zoning Administrator has the authority to waive sidewalks on one side of the roadway. Due to East Center Street’s unique configuration, existing pavement, and orientation with Chino Valley High School, the Zoning Administrator has determined that sidewalks will be constructed at a later date only on the north side; and

WHEREAS, the Zoning Administrator has determined that this Zoning Map Amendment requires a minimum two-foot-wide shoulder with a thickened edge on the east side of Road 1 East; however, it does not require a minimum five-foot concrete sidewalk with a six-inch vertical curb and gutter. Due to Road 1 East’s configuration and orientation to the commercial and multifamily corridor to the west, the Zoning

Administrator has determined that sidewalks will be constructed at a later date only on the west side; 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 recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, 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: The recitals above are hereby incorporated as if fully set forth herein.

Section 2: The Official Zoning Map is hereby amended for property consisting of approximately 8.56 acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone it from AR-5 (Agricultural Residential – 5-acre minimum) to SR-1 (Single Family Residential – 1-acre minimum), subject to the following stipulations:

1. Pursuant to the Chino Valley Town Code § 51.158(B), *“Where property borders public rights-of-way or public easements containing an existing serviceable town wastewater main, the property, when developed, shall be connected to the town CTR system. Sewer taps shall extend at right angles from the main to the property, unless otherwise specifically authorized for unusual conditions, and shall be installed in accordance with the most current edition of the YAG standard specifications and details for public works construction, unless otherwise modified and approved by the Town Engineer.”*
2. Pursuant to UDO § 5.3.2, Table 5-1, the minimum required right-of-way dedications are as follows:
 - a. Where prior dedication has not occurred, up to 15’ south of the section line on Center Street at the intersection with Road 1 East.

- b. Where prior dedication has occurred, an additional 15' east of the existing east ROW line on Road 1 East, to be dedicated at the time of the earlier to occur of:
 - (i) the issuance of a building permit for a primary structure on the adjacent parcel; or
 - (ii) a Town-initiated roadway project to widen Road 1 East.
- 3. Pursuant to UDO § 5.3.2, Table 5-1, Road 1 East requires offsite half-width roadway improvements consisting of 14.5' minimum additional pavement width without on-street parking, constructed at the time issuance of the first primary structure building permit on the property or, at the option of the landowner, the contribution of cash in lieu of construction (paid at the time the additional right-of-way is dedicated pursuant to stipulation 2(b) above) of the estimated cost of the pavement improvements (estimated at \$14,000).
- 4. Pursuant to UDO § 5.3.1(F), *“Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one (1) foot non-vehicular access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from traffic hazards occurring on the major route.”*

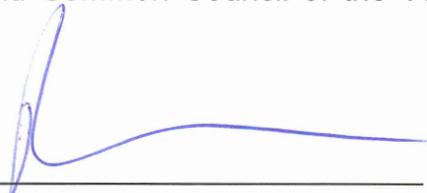
Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Zoning Map Amendment to reflect the new zoning of the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5: 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.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 27th day of April, 2021.



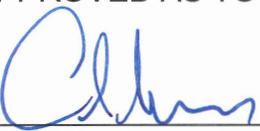
Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2021-898 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on April 27, 2021, and that quorum was present, and that the vote thereon was 5 ayes and 0 nays and 0 abstentions. 2 Council members were absent or excused.



Erin N. Deskins, Town Clerk

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 27th day of April, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2021-898 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on April 27, 2021, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2021-898

[Legal Description]

The North half of the North half of the Northwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXHIBIT 2
TO
ORDINANCE 2021-898

[Zoning Exhibit]

See the following page.

