

ORDINANCE NO. 2021-907

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 4.37 ACRES OF REAL PROPERTY LOCATED AT 299 NORTH ROAD 1 WEST, FROM CL/AR-5 (COMMERCIAL LIGHT AND 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”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately 4.37 acres of real property located at 299 North Road 1 West (APN 306-23-045U), from CL/AR-5 (Commercial Light and 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, 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, and ARIZ. REV. STAT. § 9-462.01, the Town Council has, before adopting this Ordinance, considered the individual property rights and personal liberties of the residents of the Town, along with the probable impact of this Ordinance on the cost to construct housing for sale or rent in the Town.

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 4.37 acres, as described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from CL/AR-5 (Commercial Light and Agricultural/Residential – 5-Acre Minimum) to SR-1 (Single Family Residential – 1-Acre Minimum) (the “Zoning Map

Amendment”), to further divide the property into two or three parcels, subject to the following stipulation:

1. The property owner shall dedicate an approximately 15-foot wide portion of the property for use as right-of-way along North Road 1 West to ensure that a total of 40 feet is dedicated East of the centerline for the entire length of the property. The exact width to be dedicated will be determined through a survey.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 26th day of October, 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. 2021-907 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 26, 2021, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.



Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2021-907

[Legal Description]

THE FOLLOWING DESCRIBED REAL ESTATE IS SITUATED IN YAVAPAI COUNTY, ARIZONA, TO WIT:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22 MARKED WITH A TOWN OF CHINO VALLEY BRASS MONUMENTS;

THENCE SOUTH $01^{\circ} 40' 00''$ WEST (BASIS OF BEARING) 1324.77 FEET (1324.00 FEET RECORD) ALONG THE WESTERLY LINE OF SECTION 22;

THENCE NORTH $89^{\circ} 41' 53''$ EAST 25.01 FEET TO A ONE-HALF INCH REBAR ON THE EASTERLY RIGHT-OF-WAY OF ROAD 1 WEST;

THENCE NORTH $01^{\circ} 40' 00''$ EAST 313.24 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT TO BEGINNING.

THENCE NORTH $01^{\circ} 40' 00''$ EAST 263.10 FEET ALONG SAID RIGHT-OF-WAY TO A ONE-HALF INCH REBAR;

THENCE SOUTH $82^{\circ} 16' 14''$ EAST 249.56 FEET TO A ONE-HALF INCH REBAR;

THENCE NORTH $84^{\circ} 06' 00''$ EAST 495.16 FEET TO A ONE-HALF INCH REBAR;

THENCE SOUTH $10^{\circ} 26' 00''$ WEST 245.28 FEET TO A ONE-HALF INCH REBAR;

THENCE SOUTH $12^{\circ} 19' 21''$ EAST 94.94 FEET (SOUTH $12^{\circ} 19' 00''$ EAST 95.00 FEET RECORD) TO A ONE-HALF INCH REBAR;

THENCE NORTH $81^{\circ} 49' 40''$ WEST 364.59 FEET TO A ONE-HALF INCH REBAR;

THENCE NORTH $89^{\circ} 42' 36''$ WEST 362.45 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4.37 ACRES MORE OR LESS.

PARCEL ID: 306-23-045U

EXHIBIT 2
TO
ORDINANCE 2021-907

[Zoning Exhibit]

Zoning Map

