

When Recorded, Return to:

Town Clerk  
Town of Chino Valley  
202 N. State Route 89  
Chino Valley, Arizona 86323

**ORDINANCE NO. 2022-914**

**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 AN APPROXIMATELY ONE-ACRE PORTION OF APPROXIMATELY 14.79 ACRES OF REAL PROPERTY LOCATED AT 995 E ROAD 1 NORTH, FROM AR-5 (AGRICULTURAL RESIDENTIAL 5-ACRE MINIMUM) TO CL (COMMERCIAL LIGHT).**

**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 an approximately one-acre portion of approximately 14.79 acres of real property located at 995 E Road 1 North, (APN 306-23-048A), from AR-5 (Agricultural Residential 5-Acre Minimum) to CL (Commercial Light) (the “Zoning Map Amendment”); and

**WHEREAS**, the applicant submitted a land division application to divide the approximately one-acre portion at issue in this Ordinance from the approximately 14.79 acres of real property in which it is currently included, and the property’s current zoning classification prohibits such division; 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 Zoning Map Amendment is hereby approved and the Official Zoning Map is hereby amended for property consisting of approximately one acre, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from AR-5 (Agricultural Residential 5-Acre Minimum) to CL (Commercial Light) to divide the land, subject to the requirements of the Chino Valley Town Code ("Town Code"), the UDO, and the following stipulations:

1. Applicant shall record a land division of the subject property in the Office of the Yavapai County Recorder within one year of the effective date of this ordinance.
2. Applicant shall dedicate 15' of additional right of way (for a total of 40' from Centerline) along East Road 1 North.
3. Applicant shall dedicate 20' of additional right of way (for a total of 40' from Centerline) along North Road 1 East.
4. At the time of a change of use or when required by a road improvement project, the landowner shall, at no cost to the Town, either relocate the irrigation ditch, install underground pipes, or otherwise construct the ditch, in a manner approved by the Town, to not interfere with the right of way uses of the Town.

**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:** Pursuant to ARIZ. REV. STAT. § 9-462.01(E), if a land division is not recorded with the Office of the Yavapai County Recorder within one year of the effective date of this Ordinance, the Town Council may revert the zoning of the property to the prior zoning classification, AR-5 (Agricultural Residential 5-Acre Minimum).

**Section 5:** 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 6:** 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 22nd day of March, 2022.



A handwritten signature in blue ink, appearing to read "Jack W. Miller", is written above a horizontal line.

Jack W. Miller, Mayor

ATTEST:

*Erin Deskins*

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

*Andrew McGuire*

Andrew J. McGuire, Town Attorney  
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2022-914 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 22, 2022, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and abstentions. 0 Council members were absent or excused.

*Erin Deskins*

Erin N. Deskins, Town Clerk