

When Recorded, Return to:

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

ORDINANCE NO. 2023-928

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 ONE ACRE OF REAL PROPERTY LOCATED AT 3699 NORTH STATE ROUTE 89, IN CHINO VALLEY, ARIZONA, FROM CL (COMMERCIAL LIGHT) TO CH (COMMERCIAL HEAVY).

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 one acre of real property located at 3699 North State Route 89 (APN 306-04-018A), from CL (Commercial Light) to CH (Commercial Heavy), as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference (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 Town's Planning and Zoning Commission recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent.

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, to rezone the property from CL (Commercial Light) to CH (Commercial Heavy), subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulation:

1. The property owner shall sign and notarize a Waiver of Claims form that the staff will record with the County Recorder against the property.

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 10th day of January, 2023.

ATTEST:





Jack W. Miller, Mayor

Erin N. Deskins

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. 2023-928 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 10, 2023, 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 N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2023-928

[Legal Description]

PARCEL 3, according to the Special Warranty Deed recorded as Document No. 2021-0027308 SWD, in the records of the Yavapai County, Arizona, on April 15, 2021:

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

BEGINNING at a G.L.O. Brass Cap (bent) at the East quarter corner of said Section 3;

Thence North 89°44'44" West, 616.57 feet to a cap set by RLS 8562;

Thence North 05°57'50" East, 1045.39 feet to the TRUE POINT OF BEGINNING;

Thence North 89°42'59" West, 301.48 feet to a point on the Easterly right of way line of U.S. Highway 89;

Thence North 05°57'58" East, 150.80 feet along said right of way line;

Thence South 89°42'59" East, 301.48 feet;

Thence South 05°57'50" West, 150.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for ingress, egress and parking being 50.00 feet in width and lying Easterly of, parallel with and adjacent to the following described line:

BEGINNING AT THE G.L.O. Brass Cap (bent) at the Easter quarter corner of Section 3;

Thence North 89°44'44" East, 616.57 feet to a cap set by R.L.S. No. 8562;

Thence North 05°57'50" East, 777.39 feet;

Thence North 89°42'59" West, 301.48 feet to a point on the Easterly right of way line of U.S. Highway 89 and the TRUE POINT OF BEGINNING;

Thence North 05°57'58" East, 418.80 feet.

EXHIBIT 2
TO
ORDINANCE 2023-928

[Zoning Map]

