

When recorded, return to:

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

ORDINANCE NO. 2023-931

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 20 ACRES OF REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF WEST ROAD 3 SOUTH AND SOUTH ROAD 1 WEST, FROM AGRICULTURAL RESIDENTIAL 5-ACRE MINIMUM (AR-5) TO SINGLE FAMILY RESIDENTIAL 1-ACRE MINIMUM (SR-1).

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 20 acres of real property (APN 306-33-009A) located at the northeast corner of West Road 3 South and South Road 1 West, from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1), 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 did not recommend 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 20 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from Agricultural Residential

5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1), subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulations:

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.
2. The owner shall dedicate real property for use as right-of-way per UDO § 5.3.2, as follows:
 - a. South Road 1 West half-width: 40' east of the western line of section 34.
 - b. West Road 3 South half-width: 40' north of the east-west mid-section line of section 34.
 - c. Internal Streets: at the minimum right-of-way full width as set forth in the UDO.
3. The owner shall construct half-width improvements on the east half of South Road 1 West along the subdivision's frontage, per the Town's Urban and Rural Roadways map, as follows:

The improvements shall include, at a minimum, a 12' paved through lane, a 5' paved shoulder, and a road side ditch.
4. The owner shall construct onsite improvements per UDO § 5.3.2, as follows:

Internal Streets: per Rural Local Road standards, as set forth in the UDO, including 24' wide minimum asphalt roadway and 5' shoulder with thickened edge.

Section 3. The Town Manager is authorized and 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.

(SIGNATURES ON THE FOLLOWING PAGE)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of January, 2023.

Jack W. Miller, Mayor

ATTEST:



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. 2023-931 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on January 24, 2023, and that quorum was present, and that the vote thereon was 5 ayes and 2 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2023-931

[Description]

All that portion of the West 1/2 of the Northwest Quarter of Section 34, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, per survey by Robert L Glover, completed December 1972, described as follows:

Beginning at the West Quarter corner of Section 34;

Thence North 0°00'06" West, 639.78 feet;

Thence South 89°40'39" East, 1361.25 feet;

Thence South 0°06'22" East, 639.78 feet;

Thence North 89°40'39" West, 1362.23 feet to the POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2023-931

[Zoning Map]

