

When recorded, return to:

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

ORDINANCE NO. 2023-934

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 1.5 ACRES OF REAL PROPERTY LOCATED AT 443 WEST PALOMINO ROAD, FROM COMMERCIAL LIGHT (CL) TO MULTIPLE FAMILY RESIDENTIAL (MR).

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 1.5 acres of real property (Yavapai County Assessor Parcel Nos. 306-06-035A & 306-06-036) located at 443 West Palomino Road, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, from Commercial Light (CL) to Multiple Family Residential (MR) (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 1.5 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from Commercial Light (CL) to Multiple Family Residential (MR) for the construction of a 14-unit apartment complex, 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 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of August 2023.

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. 2023-934 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on August 22, 2023, and that quorum was present, and that the vote thereon was 4 ayes and 3 nays and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2023-934

[Descriptions]

(APN 306-06-035A & 306-06-036)

All of Lot 36 and that portion of Lot 35, LUNA ESTATES AMENDED, according to the plat of records in Book 17 of Maps, Page 71, records of Yavapai County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Lot 35, the TRUE POINT OF BEGINNING;

Thence North 00 degrees, 12 minutes West, 205,00 feet;

Thence North 89 degrees, 48 minutes, 10 seconds East, 106.25 feet;

Thence South 00 degrees, 12 minutes East, 205.00 feet;

Thence South 89 degrees, 48 minutes, 10 seconds West, 106.25 feet to the TRUE POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2023-934

[Zoning Map]

