

When recorded, return to:

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

ORDINANCE NO. 2024-942

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 14.23 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 700 WEST ROAD 5 1/2 NORTH, FROM CL (COMMERCIAL LIGHT) TO AR-4 (AGRICULTURAL/RESIDENTIAL – 4-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 14.23 acres of real property (Yavapai County Assessor Parcel No. 306-46-003F) generally located at 700 West Road 5 1/2 North, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, from CL (Commercial Light) to AR-4 (Agricultural Residential – 4-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 Town’s Planning and Zoning Commission recommended approval of the Zoning Map Amendment (ZC-2024-01); 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 a housing impact statement in accordance with A.R.S. 9-462.01.

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 14.23 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, to rezone the property from CL (Commercial

Light) to AR-4 (Agricultural Residential – 4-Acre Minimum), subject to the requirements of the Chino Valley Town Code, the UDO, and the following stipulations:

1. The property owner shall comply with all conditions listed below and all codes, rules, fees, and regulations applicable to this action.
2. The property owner shall sign and notarize a Waiver of Claims form, which staff will record with the County Recorder against the property.
3. The property owner shall dedicate to the Town the south 25' of the property for West Road 5 1/2 North right-of-way.

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 FOLLOW)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March 2024.

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 that the above foregoing Ordinance No. 2024-942 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 26, 2024, 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

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2024-942

[Legal Description]

The following is a legal description of a parcel of land previously described in Book 4315 of Official Records, Page 918 in the Office of the Yavapai County Recorder, lying within Section 34, Township 17 North, Range 2 West of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

Beginning at a found 2 inch iron pipe (bent over – position established at point of entry into the ground) accepted as the northwest corner of Section 34, from which a ½” rebar and plastic cap stamped RLS29891 at the north Quarter corner of Section 34 bears North 87°59’34” East, a distance of 2684.82 feet (measured and Basis of Bearings for this description – North 87°50’20” East, 2684.62 record per a Record of Survey as recorded in Book 132 of Land Surveys, Page 68 in the Office of the Yavapai County Recorder, herein referred to as R2);

Then North 87°59’44” East along the north line of Section 34, a distance of 872.59 feet to a set ¼” rebar and aluminum cap stamped RLS 13015, from which a found ¼” rebar and obliterated plastic cap bears North 87°59’44” East, a distance of 99.99 feet (total line = North 87°59’44” East, 972.59 feet measured – North 87°50’20” East, 972.31 R2);

Thence leaving the north line of Section 34 South 00°06’59” East, a distance of 1035.54 feet to a set “A” rebar and aluminum cap stamped RLS 13015;

Thence North 88°53’28” East, a distance of 175.68 feet to a set ¼” rebar and aluminum cap stamped RLS 13015;

Thence South 00°43’53” East, a distance of 1609.81 feet to a set ½” rebar and aluminum cap stamped RLS 13015;

Thence North 89°35’45” East, a distance of 664.37 feet to a set ¼” rebar and aluminum cap stamped RLS 13015 and the TRUE POINT OF BEGINNING, from which a found ¼” rebar and plastic cap stamped RLS 12005 bears South 89°30’58” West, a distance of 99.63 feet.

Thence North 01°07’59” West, a distance of 912.87 feet to a set ¼” rebar and aluminum cap stamped RLS 13015;

Thence North 89°30’43” East, a distance of 668.22 feet to a set ¼” rebar and aluminum cap stamped RLS 13015;

Thence South 00°36’14” East, a distance of 912.83 feet to a set ½” rebar and aluminum cap stamped RLS 13015, from which a found ½” rebar and plastic cap stamped RLS 12005 bears South 89°33’43” West, a distance of 80.65 feet.

Thence South 89°30’47” West, a distance of 659.79 feet to the TRUE POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE 2024-942

[Zoning Map]

