

When Recorded, Return to:

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

ORDINANCE NO. 2022-924

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 2.09 ACRES OF REAL PROPERTY LOCATED AT 1383 SOUTH STATE ROUTE 89, 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 2.09 acres of real property located at 1383 South State Route 89, Chino Valley, Arizona (APN 306-33-002B), 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 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 2.09 acres, 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 and the UDO.

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 25th day of October, 2022.




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. 2022-924 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 25, 2022, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and abstentions. 1 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2022-924

[Legal Description]

See following pages.

EXHIBIT "A"

PARCEL I:

A tract of land situate in the Northeast Quarter of Section 34, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the center section post of said Section 34;

Thence Easterly along the South boundary line of said Northeast Quarter 818 feet to a point in the center of a cattle guard on the land as it existed on January 15, 1949;

Thence Northerly and parallel to U.S. Highway 89 as it existed on January 15, 1949, 118 feet to an iron pin, being the TRUE POINT OF BEGINNING;

Thence Northerly and parallel to U.S. Highway 89 as it existed on January 15, 1949, 600.00 feet to an iron pin;

Thence Easterly and at right angles 363 feet to an iron pin;

Thence Southerly at right angles and parallel to U.S. Highway 89 as it existed on January 15, 1949, 600 feet to an iron pin;

Thence Westerly at right angles 363 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A tract of land situate in the Northeast Quarter of Section 34, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the center of said Section 34;

Thence North 89 degrees, 24 minutes, 08 seconds East, 818.00 feet along the East-West midsection line of said Section 34;

Thence North 1 degrees, 58 minutes, 14 seconds West, parallel with U.S. Highway 89, 718.00 feet;

Thence North 88 degrees, 01 minutes, 46 seconds East, 363.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 88 degrees, 01 minutes, 46 seconds East, 30.00 feet;

Thence South 1 degrees, 58 minutes, 14 seconds East, 727.42 feet to the East-West midsection line of said Section 34;

Thence South 89 degrees, 24 minutes, 08 seconds West, 30.01 feet;

Thence North 1 degrees, 58 minutes, 14 seconds West, 726.70 feet to the TRUE POINT OF BEGINNING.

EXCEPT therefrom any portion of Parcel(s) I and II above lying within the following described Tracts I and II.

TRACT I:

The South 295.10 feet of a portion of the West Half of the Northeast Quarter of Section 34, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the center section post of said Section 34;

Thence Easterly along the South boundary line of said Northeast Quarter 818 feet to a point in the center of a cattle guard on the land as it existed on January 15, 1949;

Thence Northerly and parallel to U.S. Highway 89 as it existed on January 15, 1949, 118 feet to an iron pin, and the TRUE POINT OF BEGINNING for the herein described tract;

Thence Northerly and parallel to U.S. Highway 89, 600 feet to an iron pin;

Thence Easterly and at right angles 363 feet to an iron pin;

Thence Southerly at right angles and parallel to U.S. Highway 89, 600 feet to an iron pin;

Thence Westerly at right angles 363.00 feet to the TRUE POINT OF BEGINNING.

TRACT II:

The South 426.67 feet of a portion of the Northeast Quarter of Section 34, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the center of said Section 34;

Thence North 89 degrees, 24 minutes, 08 seconds East, 818.00 feet along the East-West midsection line of said Section 34;

Thence North 1 degrees, 58 minutes, 14 seconds West, parallel with U.S. Highway 89, 718.00 feet;

Thence North 88 degrees, 01 minutes, 46 seconds East, 363.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 88 degrees, 01 minutes, 46 seconds East, 30.00 feet;

Thence South 01 degrees, 58 minutes, 14 seconds East, 727.42 feet to the East-West midsection line of said Section 34;

Thence South 89 degrees, 24 minutes, 08 seconds West, 30.01 feet;

Thence North 01 degrees, 58 minutes, 14 seconds West, 726.70 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPT FROM ALL PARCELS ANY PORTIONS OF SAID LAND LYING WITHIN U.S. HIGHWAY 89.

APN: 306-33-002B

EXHIBIT 2
TO
ORDINANCE 2022-924

[Zoning Map]

