

ORDINANCE NO. 13-771

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING FOR APPROXIMATELY 1 ACRE OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST CHOCTAW LANE AND NORTH ROUTE 89, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBER 306-04-028C FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, The DeWitt Family Revocable Trust, Mary DeWitt, Trustee has filed an application with the Town of Chino Valley requesting a Change of Zone for Assessor's Parcel Number 306-04-028C from Commercial Light (CL) to Commercial Heavy (CH); and

WHEREAS, the Town Council has determined that this change of zoning conforms with the Town of Chino Valley General Plan, any applicable specific area plan, neighborhood, or other plan, and any overlay zoning district; 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, on May 29, 2013, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 18, 2013, during which testimony was presented by Town staff, the property owner's agent and others; and

WHEREAS, the Commission, by a unanimous vote of those members present (Vice Chairperson Garland Miner absent) to recommend approval of the rezoning; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Change of Zoning is hereby approved for property consisting of approximately 1 acre, described in Exhibit 1, attached hereto and incorporated herein by this reference, also known as Assessor's Parcel Number 306-04-028C and located at 3340 N. State Route 89, Chino Valley, Arizona 86323, from Commercial Light (CL) zoning district to Commercial Heavy (CH) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance for the Commercial Heavy (CH) zoning districts. Development of the Property shall also be subject to the following conditions:

- a. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff improvement plans in compliance with the following UDO requirements:
 - i. UDO §4.9 Outdoor Storage: Provide screened fencing of outdoor storage yard; and
 - ii. UDO §4.22.4 Off-Street parking and Loading: Provide site plan indicating the parking area is of sufficient size and adequate dimension to provide parking required. Owner is encouraged to provide a dust free surface such as decomposed granite over the parking area, as approved by the Town Engineer; and
 - iii. UDO §4.26 Landscaping: Upon expansion, remodeling or renovation of the existing building[s], provide a minimum 20-foot wide landscaping area on all property adjacent to SR89 and a minimum 10-foot wide landscaping area adjacent to Choctaw Lane, as required by the UDO and except for that portion of the Property within the screened storage area.
- b. The improvements required above (the "Improvements"), and as approved by Town Staff shall be constructed and installed within 365 days of the effective date of this Ordinance. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties. Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of July, 2013 by the following vote:

AYES:	7		
NAYES:	0	ABSENT:	0
EXCUSED:	0	ABSTAINED:	0

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-771 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 23rd DAY OF JULY, 2013, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2013.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description

LEGAL DESCRIPTION

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

BEGINNING at a point recovered in the Westerly Right-of-Way of U.S. Highway 89 from whence the Southeast corner of Section 3 bears East 1134.81 feet and South 1144.15 feet;

Thence North 05 degrees, 58 minutes 17 seconds East, 1173.67 feet along said Right-of-Way to a one-half inch rebar and the TRUE POINT OF BEGINNING;

Thence South 58 degrees 36 minutes 10 seconds West, 115.09 feet;

Thence along a curve concave to the right with a radius of 42.32 feet, a central angle of 35 degrees, 04 minutes, 05 seconds and length of 25.90 feet;

Thence North 86 degrees 19 minutes 45 seconds West, 67.86 feet;

Thence along a curve concave to the right with a radius of 50.75 feet, a central angle of 74 degrees, 21 minutes, 30 seconds and length of 65.86 feet;

Thence North 11 degrees, 58 minutes 15 seconds West, 55 feet;

Thence along a curve concave to the left with a radius of 44.17 feet, a central angle of 69 degrees, 43 minutes, 40 seconds and length of 53.76 feet;

Thence North 81 degrees 41 minutes 55 seconds West, 9.26 feet;

Thence North 05 degrees 58, minutes 17 seconds East, 43.33 feet;

Thence North 87 degrees, 45 minutes, 54 seconds East, 303.10 feet to a one-half inch rebar on the Westerly Right-of-Way of U.S. Highway 89;

Thence South 05 degrees, 58 minutes, 17 seconds West, 123.67 feet to the TRUE POINT OF BEGINNING.