

ORDINANCE NO. 15-794

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 40 ACRE(S) OF REAL PROPERTY GENERALLY LOCATED AT 855 AUCTION DRIVE, FROM AR-4 (AGRICULTURAL/RESIDENTIAL 4 ACRE MINIMUM) ZONING DISTRICT TO CH (COMMERCIAL HEAVY) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and 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, the current use of the property is permitted by a Conditional Use Permit issued pursuant to Ordinance No. 05-628 to allow a livestock auction in the AR-4 zoning district;

WHEREAS, the Planning and Zoning Commission, by a vote of 5 ayes and 0 nays (0 members absent; 0 members abstaining) recommends approval of the rezoning;

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 and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 40 acre(s), generally located at 855 Auction Drive, and legally described in Exhibit A and shown on the Zoning Exhibit (map) in Exhibit B, both of which are attached hereto and incorporated herein by this reference, from AR-4 (Agricultural/Residential 4 Acre Minimum) Zoning District to CH (Commercial Heavy) Zoning District.

2. The Conditional Use Permit issued pursuant to Ordinance No. 05-628 permitting a livestock auction on the property in the AR-4 zoning district shall be terminated, rescinded, and of no further effect as of the effective date of this Ordinance No. 15-794.

3. 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.

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All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

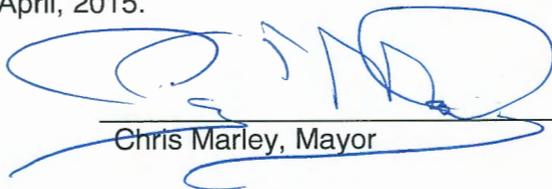
Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required 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 28th day of April, 2015 by the following vote:

AYES: 7
NAYS: ~~7~~ 0

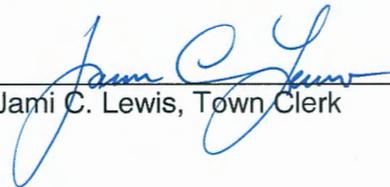
ABSENT: 0
ABSTAINED: 0

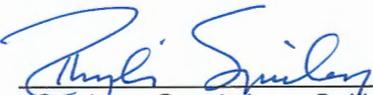
APPROVED this 28th day of April, 2015.


Chris Marley, Mayor

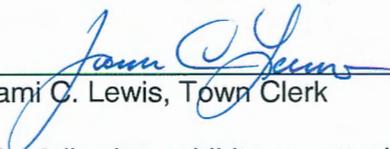
ATTEST:

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. 15-794 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 28TH DAY OF APRIL, 2015, WAS POSTED IN THREE PLACES ON THE 1st DAY OF MAY, 2015.


Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)

Exhibit A

All that portion of the Northwest-quarter of the Northwest-quarter of Section 22, Township 16 North, Range 1 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at a 2" Famas capped pipe at the Northwest corner of said Section 22;

Thence South $89^{\circ}03'51''$ East, along the North line of said section, a distance of 1323.87 feet to the Northeast corner of said Northwest-quarter of the Northwest-quarter of Section 22;

Thence South $00^{\circ}06'55''$ West, a distance of 1329.81 feet to the Southeast corner of said Northwest-quarter of the Northwest-quarter of Section 22;

Thence North $89^{\circ}03'56''$ West, a distance of 1324.56 feet to the Southwest corner of said Northwest-quarter of the Northwest-quarter of Section 22;

Thence North $01^{\circ}08'42''$ East, along the West line of said Section 22, a distance of 1329.83 feet to THE POINT OF BEGINNING.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.

EXHIBIT B

