

**ORDINANCE NO. 16-808**

**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 1.38 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1448 S. STATE ROUTE 89, SECTION 34, TOWNSHIP 16N, RANGE 2W, FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY (CH) 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 Planning and Zoning Commission, after holding a public hearing on the matter, voted 6-0 to recommend 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 1.38 acre(s), described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, 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

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All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

Exhibit A

All that portion of the Southwest quarter of the Northeast quarter of Section 34, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at the East quarter corner of Section 34 marked with a 1/2 inch rebar;

Thence South 89 degrees, 24 minutes, 08 seconds West, 2,063.05 feet along the East- West midsection line to the Westerly right-of-way of U.S. Highway 89 marked with a found 1/2 inch rebar P.E. 2398;

Thence North 01 degrees, 58 minutes, 44 seconds West, 375.71 feet along the Westerly right-of-way to a 1/2 inch rebar and the TRUE POINT OF BEGINNING;

Thence North 01 degrees, 58 minutes, 44 seconds West, 200.00 feet along said right-of- way to a 1/2 inch rebar;

Thence South 89 degrees, 23 minutes, 48 seconds West, 300.00 feet to a 1/2 inch rebar;

Thence South 01 degrees, 58 minutes, 14 seconds East, 200.00 feet to a 1/2 inch rebar;

Thence North 89 degrees, 23 minutes, 48 seconds East, 300.00 feet to the TRUE POINT OF BEGINNING.



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 9<sup>th</sup> day of February, 2016 by the following vote:

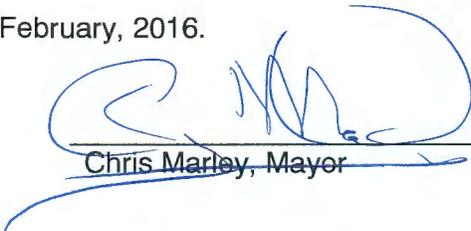
AYES: 7

ABSENT: 0

NAYS: 0

ABSTAINED: 0

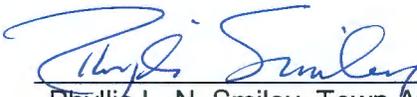
APPROVED this 9th day of February, 2016.

  
Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

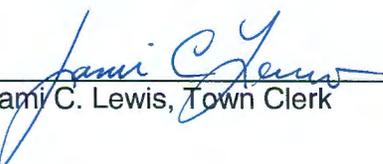
  
Jami C. Lewis, Town Clerk

  
Phyllis L. N. Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-808 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 9<sup>th</sup> DAY OF FEBRUARY, 2016, WAS POSTED IN THREE PLACES ON THE 11<sup>TH</sup> DAY OF FEBRUARY, 2016.

  
Jami C. Lewis, Town Clerk