

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 2023-01

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE TOWN OF PARADISE VALLEY PROVIDING FOR THE REZONING OF 5.03 ACRES OF PROPERTY LOCATED AT 6041 N. QUAIL RUN ROAD/MARICOPA COUNTY ASSESSOR PARCEL NUMBER 174-65-004C) FROM R-43 SINGLE FAMILY RESIDENTIAL DISTRICT AND SPECIAL USE PERMIT – RESORT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Sections 1 and 2, 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 of Paradise Valley Planning Commission held a public hearing on January 3, 2023, in the manner prescribed by law, for the purpose of considering Ordinance 2023-01, to allow for the rezoning of 6041 N. Quail Run Rd from R-43 Single Family Residential District to Special Use Permit - Resort, and recommended this application for Town Council approval with the effective date being the same as the rezoning for said development by Ordinance 2023-01; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on January 3, 2023, in the manner prescribed by law, for the purpose of considering Ordinance 2023-01, a conditional rezoning of the Property from “R-43 Single Family Residential District” (minimum 43,560 square foot lots) and “Special Use Permit – Resort”, and recommended approval to the Town Council with the conditions outlined in Section 2 of this ordinance; and

WHEREAS, the Town of Paradise Valley Planning Commission, held a public hearing on January 3, 2023, in the manner prescribed by law, recommending that the Town Council approve Ordinance 2023-02 for an Intermediate Special Use Permit (SUP) to develop and incorporate 6041 N. Quail Run Road into the Andaz Resort with the effective date being the same as Ordinance 2023-02; and

WHEREAS, the rezoning to “Special Use Permit – Resort” is consistent with and conforms to the both the “Resort/Country Club” designations of the Land Use Map of the Town’s adopted General Plan in accordance with Section 306, Amendments, of the Town Code and Arizona Revised Statutes §9-462.01(F).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

SECTION 1. Rezoning. The parcel of land legally described under Exhibit A (the “Property”) is hereby rezoned from “R-43 Single Family Residential District” (minimum 43,560 square-foot lots) and “Special Use Permit – Resort”, subject to the conditions set forth in Section 2, and subject to Sections 3 and 4 of this ordinance. Promptly after the effective date, the Town’s Official Zoning Map shall be amended to reflect the new “Special Use Permit - Resort” Zoning District; if such zoning is later invalidated, then the Official Zoning Map will be changed back from “Special Use Permit – Resort” to “R-43 Single Family Residential District.”

SECTION 2. Conditions.

1. This rezoning shall apply to the Property as described in the legal description and attached as Exhibit A.
2. The applicant shall provide a duly executed Proposition 207 waiver in the form attached as Exhibit B as specified in Section 4 of this ordinance.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the amendments to the Town Zoning Ordinance adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective when (a) the Intermediate Special Use Permit Amendment (SUP-22-01) for Andaz Resort is approved by Town Council, and (b) the owner of the Property has provided to the Town a duly executed Proposition 207 waiver in the form attached as Exhibit B, with said form recorded prior to or on the effective date of Ordinance 2023-02.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley,
Arizona, this ____ day of _____, 2023.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED TO THIS ____ DAY OF _____ 2023

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney

EXHIBIT A: PROPERTY DESCRIPTION

6041 N. Quail Run Road. Assessor's Parcel Number 174-65-004C.

From Sheet 1 of 1, ALTA/ACSM Land Title Survey, prepare by Hubbard Engineering and dated May 18, 2022:

LEGAL DESCRIPTION PER TITLE COMMITMENT NO. 22000864-040-DO

PARCEL NO. 1:

THE WEST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE WEST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

DRAFT

EXHIBIT B: WAIVER OF RIGHTS AND REMEDIES (PROP 207 WAIVER)

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