

**ORDINANCE NO. 15-805**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A PLANNED AREA DEVELOPMENT (“PAD”) AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 16.25 ACRE(S) OF REAL PROPERTY GENERALLY LOCATED AT 1460 WEST ROAD 4 NORTH, FROM AGRICULTURAL-RESIDENTIAL 5 ACRE MINIMUM (AR-5) ZONING DISTRICT TO APPROXIMATELY 9.2 ACRES OF COMMERCIAL LIGHT (CL) AND 7.05 ACRES OF MULTIFAMILY RESIDENTIAL (MR) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.**

**WHEREAS**, by adoption of this Ordinance, the Town Council desires to modify underlying zoning district regulations to permit flexibility and innovation in developmental design and provide opportunities for unique or mixed-use development, unique or mixed-use development and preserve and utilize open space and offer recreational opportunities close to residential use; and

**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, by a vote of 5-0 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 Windmill House Planned Area Development Plan, defined in Paragraph 3 herein and attached hereto as Exhibit 3, is hereby approved.

2.      The Official Zoning Map of the Town of Chino Valley, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 16.25 acres, described in the legal description, Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, (the “Property”) both attached hereto and incorporated herein by this reference, from Agricultural-Residential 5-acre minimum (AR-5) Zoning District to approximately 9.2 acres of Commercial Light (CL) and 7.05 acres of Multifamily Residential (MR) Zoning District, all with a Planned Area Development Overlay Zoning District, in accordance with the Development Plan, as defined in Paragraph 3 herein.

3. The following definitions shall apply:

- a. "Project" shall mean the "Windmill House PAD" containing approximately 16.25 acres, generally located at 1460 West Road 4 North.
- b. "Development Plan" shall mean that certain document submitted pursuant to Section 1.9.4.3 of the Unified Development Ordinance, as follows:

Exhibit 3: Development Plan Exhibit of Windmill House Planned Area Development, dated November 3, 2015.

4. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Development Plan and the Town of Chino Valley Unified Development Ordinance. In addition to conformance with the Development Plan, development of the Property shall be subject to the following conditions:

- a. Dedication to Chino Valley for West Road 4 North right-of-way that is adjacent to the Property shall be completed prior to the effective date of this ordinance. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. Dedication of West Road 4 North shall extend 25' from existing right-of-way for a total of 50' from the center line (existing right-of-way extends 25' from centerline).
- c. Uses in the Commercial Light zoning district shall be limited to the following:
  1. Restaurants, cafes and coffee shops
  2. Business and professional offices; banks and similar uses
  3. Business, trade, dancing, art, music and other educational facilities
  4. Indoor and outdoor sales of nursery stock
  5. Public utility buildings, structures, or appurtenances thereto for public service use
  6. Indoor theaters, assembly halls
  7. Commercial greenhouses
  8. Catering services for off-site events
  9. Casita for overnight stays
  10. Festivals in compliance with UDO Section 3.15 CL: Commercial Light; Section D: Temporary Uses
  11. Western Town activities, subject to final inspection and approval of all structures by Building Official (or his/her designee) prior to initiation of public activities
- d. Uses in the Multiple Family Residential (MR) zoning district shall be in accordance with UDO § 3.13 Multiple Family Residential and limited to the 7.05 acre parcel identified on the Development Plan.

- e. Prior to construction of any new structure, building, appurtenance, utility, grading, landscaping or other improvements to the Property other than maintenance or refurbishment of the existing buildings, the Developer shall submit and obtain final approval of a detailed Site Plan. The Site Plan shall be in conformance with all applicable Town Codes, building codes, and engineering requirements unless otherwise modified herein.
- f. After the Site Plan has been approved, no structure, building, appurtenance, or utility shall be constructed or installed unless it is in conformance with the Site Plan or approved by the Development Services Director who may, at his or her discretion, require submission and approval of an amended Site Plan, depending upon the amount of nonconformity.
- g. Approval of this ordinance confers no additional entitlements or rights to the owner or applicant other than those that are specifically set forth herein.
- h. All existing structures or areas within 100 feet of public/common areas shall not be opened for use by the public until they are inspected by the Building Official (or his designee) and conform to currently adopted Town of Chino Valley Building Codes. No business license shall be issued until said inspections have been performed and all deficiencies have been corrected.
- i. Construction of multifamily housing shall be in conformance with the Town's requirements for extensions of municipal sewer and water service from its closest termination point to the site and may require submittal of an Amended Site Plan and/or a Development Agreement.
- j. Any amplified music or other noise associated with the use of the Property shall not exceed 60 decibels at the property boundary adjacent to any residential use.
- k. The developer shall install additional landscaping, as approved by the Zoning Administrator, to further screen adjacent properties from automobile lights emanating from the subject property.

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.

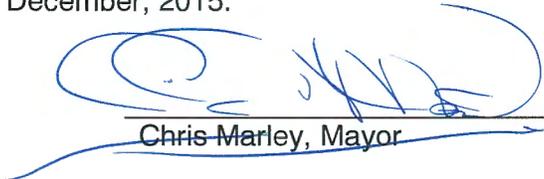
Section 4. Providing for Penalties.

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 8th day of December, 2015 by the following vote:

AYES:	<u>5</u>	ABSENT:	<u>0</u>
NAYS:	<u>2</u>	ABSTAINED:	<u>0</u>

APPROVED this 8th day of December, 2015.

  
Chris Marley, Mayor

ATTEST:

  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC  
Town Attorney  
By: Phyllis Smiley

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)
3. Windmill House Development Plan

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-805 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 8TH DAY OF DECEMBER, 2015, WAS POSTED IN THREE PLACES ON THE 15<sup>TH</sup> DAY OF DECEMBER, 2015.

  
Jami C. Lewis, Town Clerk

# EXHIBIT 1: LEGAL DESCRIPTION

306-05-031N

PRACEL A  
REVISED  
August 20, 2015

All that portion of Section 4, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

Beginning at the South One Quarter corner of said Sec. 4;  
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the ;  
Thence S87°52'55"E 152.10 feet to the TRUE POINT OF BEGINNING;  
Thence N00°50'25"W 724.23 feet;  
Thence northerly 54.31 feet on a curve to the right, said curve having a delta of 19°11'13" and a radius of 162.19 feet and a cord of N49°37'05"E 54.06 feet;  
Thence N15°09'53"E 269.77 feet;  
Thence N78°27'22"E 191.18 feet;  
Thence N15°08'20"E 368.36 feet;  
Thence N74°35'56"E 195.73 feet;  
Thence S01 24'26"E 1488.36 feet;  
Thence N87°52'55"W 610.42 to the true point of beginning, containing 16.25 acres.

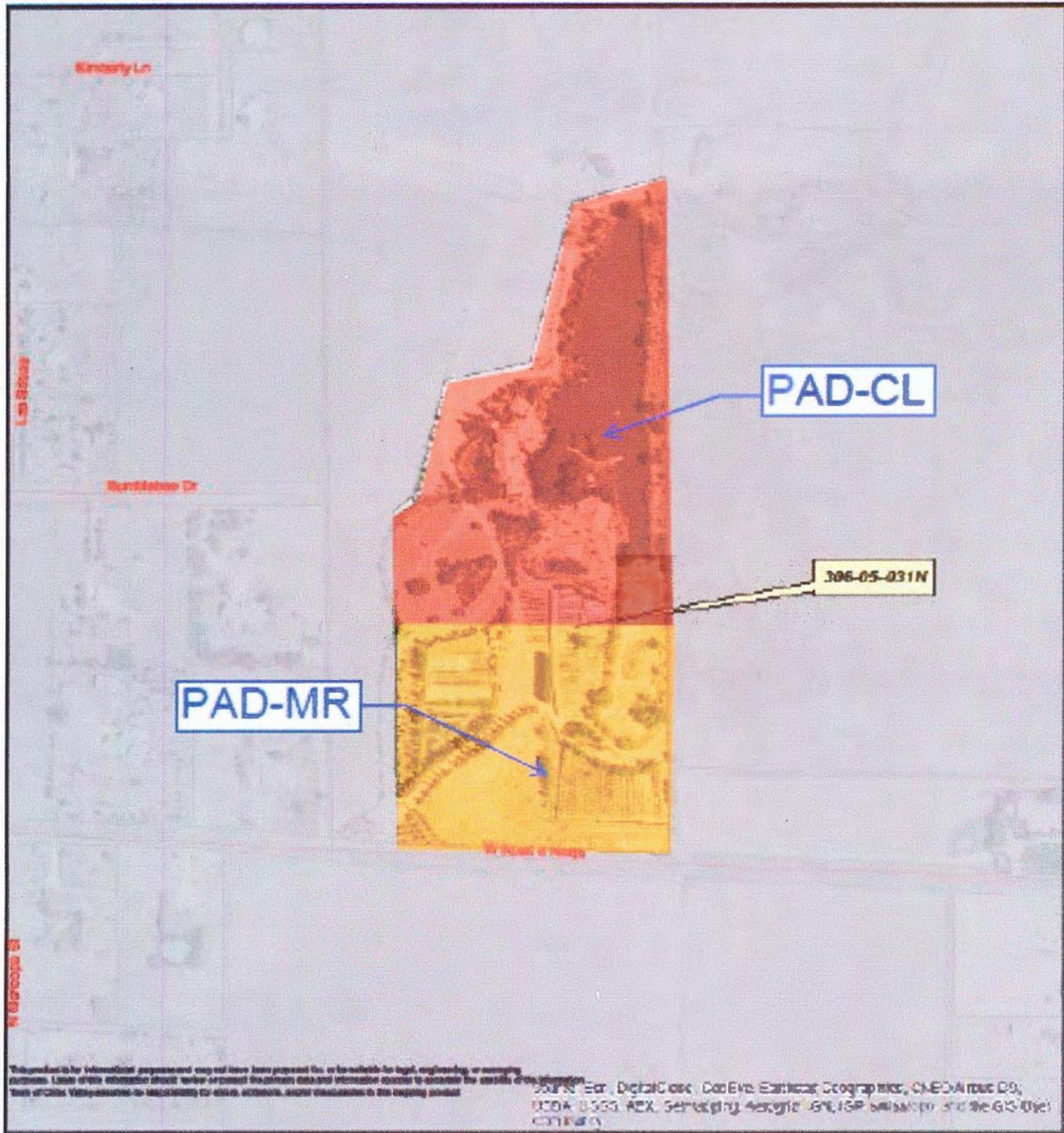
Together with and subject an easement for Ingress, Egress, Utilities and Landscaping over and across the following described parcel:

Beginning at the South One Quarter corner of said Sec. 4;  
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the ;  
Thence S87°52'55"E 113.11 feet to the TRUE POINT OF BEGINNING;  
Thence N01°34'14"W 367.00 feet;  
Thence northerly 110.75 feet on a curve to the right, said curve having a delta of 48°48'48" and a radius of 130.00 feet and a cord of N23°36'09"E 107.43 feet;  
Thence N18°31'19"W 102.60 feet;  
Thence northerly 170.28 feet on a curve to the right, said curve having a delta of 60°09'15" and a radius of 162.19 feet and a cord of N09°56'52"E 162.57 feet;  
Thence S00°50'25"E 724.23 feet;  
Thence N87°52'55"W 38.99 feet to the true point of beginning.



EXPIRES 12 31 2016

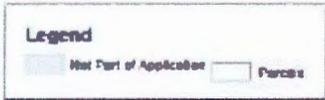
# EXHIBIT 2: ZONING EXHIBIT



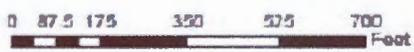
La Vacara Trust Rezone



1 inch = 278 feet



Date: 11/2/2015  
User: JD Jevica Corbett



# DEVELOPMENT PLAN J C RANCH GATED RESORT

SURVEY OF A PORTION OF THE SE 1/4, SECTION 4, T16N-R2W,  
G.&S.R.M., YAVAPAI COUNTY, ARIZONA

APN 306-05-030Z

OWNER La VacaraTrust

## CERTIFICATION

I, HENRY R. WELKER, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR WITHIN THE STATE OF ARIZONA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, COMPLETED IN AUGUST 2015.



Exp. 12/31/2016

HENRY R. WELKER, AZ. R.L.S. NO. 19353

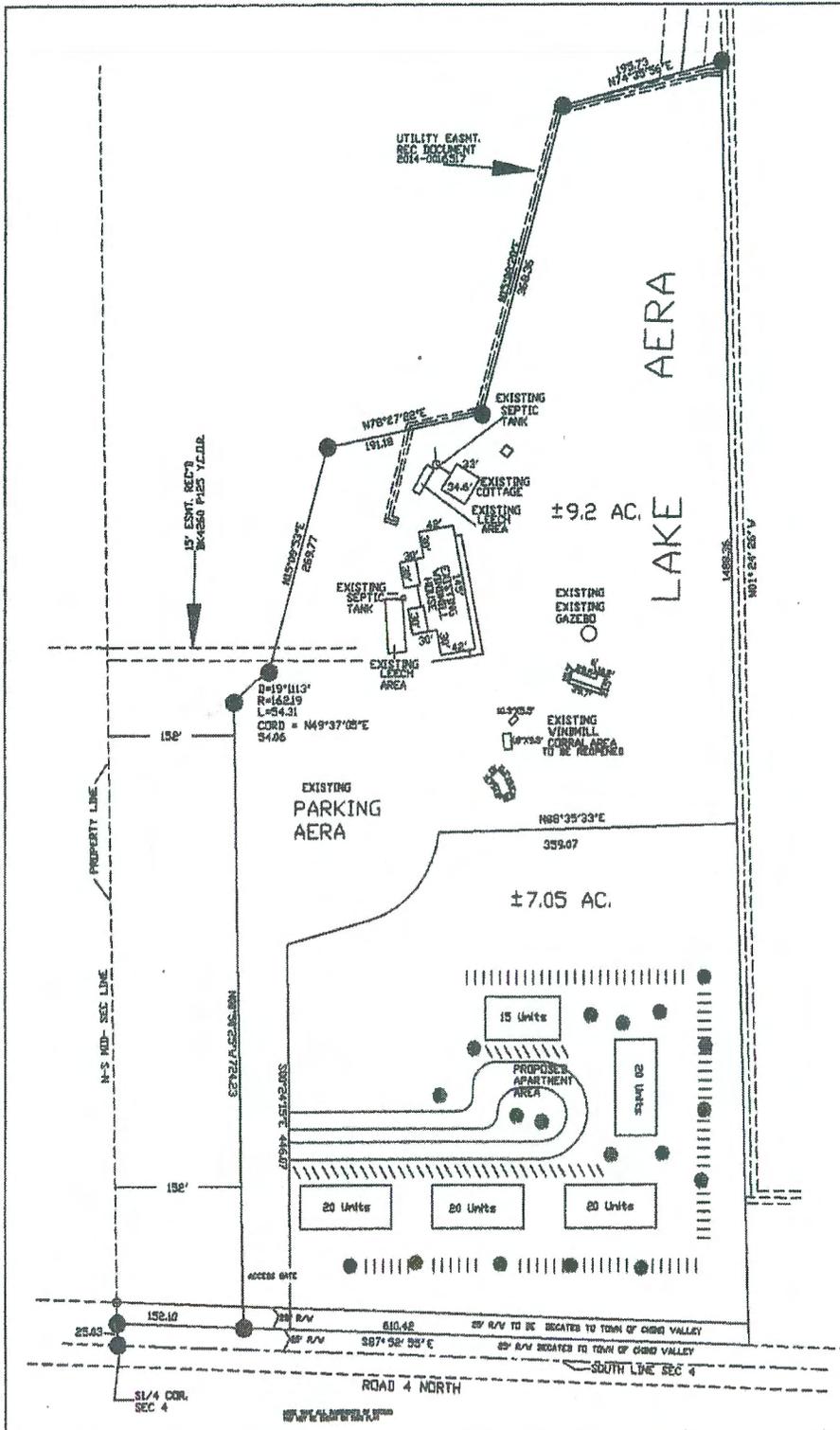


EXHIBIT 3:  
WINDMILL HOUSE DEVELOPMENT PLAN