

**ORDINANCE NO. 10-728**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ESTABLISH A PUBLIC ARENA TO ACCOMMODATE EQUESTRIAN EVENTS AND A RIDING ACADEMY ON ASSESSOR'S PARCEL NUMBERS 306-34-003 AND 306-34-003F**

WHEREAS, the Property Owner/Applicant: Norman W. Freeman/Elemental Farms L.L.C., has filed an application with the Town of Chino Valley requesting a Conditional Use Permit for Assessor's Parcel Numbers 306-34-003 and 306-34-003F; and

WHEREAS, the requested Conditional Use Permit was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, on March 22, a "neighborhood meeting" was held in conformance with the requirement set forth in the Unified Development Ordinance; and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on April 1, 2010, during which testimony was presented by Town staff, the property owner and members of the general public; and

WHEREAS, subsequent to the Public Hearing and discussion, the Commission elected by a 7-0 vote to forward the application to the Town Council with the recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of April 22, 2010, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Stipulations cited in Section 1 of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:**

Section 1. That the issuance of a Conditional Use Permit is hereby issued for the properties located on the Northeast corner of E. Road 3 South and S. Road 1 East, addressed as 1096, 1172 and 1194 E. Road 3 South and further described as Assessor's Parcel Numbers 306-34-003 and 306-34-003F (approximately 36 acres) with the following Findings and Stipulations:

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the Conditional Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

ADDITIONAL FINDING:

1. That the Citizens Participation protocols and Notice as prescribed by the Unified Development Ordinance (UDO) have been complied with.

ZONING CONDITIONS:

1. Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That the Conditional Use Permit is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the Conditional Use Permit.

ENGINEERING CONDITIONS:

1. That public driveways shall be a minimum of 200 feet from the intersection of S. Road 1 East and E. Road 3 South.
2. If access to the parcels are not traversable by emergency vehicles, the Town and emergency service providers may not be held liable for any damages resulting from the inability to access the parcels.

Section 2. This Ordinance repeals any prior enactment by the Town of Chino Valley, which is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Unified Development 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.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22<sup>nd</sup> day of April, 2010.

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Jim Bunker, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jami C. Lewis, Town Clerk

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Musgrove Drutz & Kack, P.C.  
Town Attorney