

When Recorded, Return To:
Town Clerk
Town of Wickenburg
155 North Tegner, Suite A
Wickenburg, AZ 85390



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

99-0125972 02/09/99 11:55

TAMMY 4 OF 17

ORDINANCE NO. 785

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, MARICOPA COUNTY, STATE OF ARIZONA, AMENDING CHAPTER 14, ZONING, OF THE WICKENBURG TOWN CODE BY AMENDING THE ZONING MAP OF THE TOWN OF WICKENBURG BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED REAL PROPERTY IN THE TOWN FROM R1-35 SINGLE FAMILY RESIDENTIAL AND C-3 MAJOR STREET COMMERCIAL TO A PLANNED AREA DEVELOPMENT (PAD) WITH RM-1 MULTIPLE FAMILY RESIDENTIAL ZONING; PROVIDING FOR TERMINATION OF PAD ZONING; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES.

WHEREAS, the *General Plan* Land Use designations for this parcel include Park and Open Space in recognition of the existing water course/wash which traverses in the parcel, Rural Residential, Low Density Residential, and Medium Density Residential; and,

WHEREAS, the *General Plan* designations are intended to provide a flexible set of guidelines to assist but not bind the Town Council in its' Land Use decision making process; and,

WHEREAS, the Council has determined that the proposed Planned Area Development is in essential harmony with the *General Plan* Land Use Designations and has, therefore, elected to proceed with the decision making process regarding the requested zone change proposal for development; and,

WHEREAS, the proposed Planned Area Development meets and exceeds the criteria established for such overlay zoning districts in the Zoning Ordinance of the Town of Wickenburg and, therefore, the requested modifications to the said Zoning Ordinance have been considered by the Town Council; and,

WHEREAS, taken as a whole, the proposed Planned Area Development has created the type of quality residential environment that is rarely achieved with lot by lot development in terms of site design, retention of native topography and vegetation, landscaping, and building design; and,

WHEREAS, the modifications to the Zoning Ordinance that have been requested by the applicant as consideration for the enhanced quality of development will not have a negative impact on surrounding properties and enhance the proposed development; and,

WHEREAS, the proposed dwelling unit density of the Planned Area is considerably less than the potential yield that could be achieved with the current zoning designations and is consistent with the R1-6 zoning and density to the west; and,

WHEREAS, the traffic that will be generated by the proposal is less than would be generated by commercial uses on this site and is well within the designed carrying capacity of Yucca Drive; and,

WHEREAS, upon the recommendation of the Planning and Zoning Advisory Commission and its' certification that the Final Plan of Development is consistent with the Preliminary Plan of Development which was previously approved by the Town Council.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

SECTION 1. In General

1. The Zoning Ordinance of the Town of Wickenburg, Arizona is hereby amended by amending the Zoning Map of the Town of Wickenburg as follows:

The following described parcel is hereby rezoned from R1-35 Single Family Residential and C-3 Major Street Commercial to RM-1-PAD Multiple Family Residential, Planned Area Development based on the Preliminary Plan of Development.

Legal Description: Lots 4, 5, 17 and 18 of VISTA DEL RIO ESTATES, a subdivision recorded in Book 31 of Maps, Page 20, records of Maricopa County, Arizona; EXCEPT all oil and gas, as reserved in Patent from the United States of America.

2. That the Final Subdivision Plat and attendant design documents which constitutes the Final Plan of Development for Phase I is hereby approved and further that said Final Plan and attendant design documents are hereby approved as the Conceptual design basis for any subsequent phases of development.

3. That approval of the requested zone change and Final Plan of Development is made in accordance with the following stipulations and conditions:

- a. That the Final Development Plan for Phase II of the proposed development shall be submitted to the Town within three (3) years of the date of the approval of the Final Development Plan for Phase I which serves as the conceptual plan for Phase II
- b. That the Wickenburg Town Council hereby approves the following modifications to the requirements of the Zoning Ordinance as requested by the applicant.
 - (1) Section 14-7-3(D) to allow patio covers to encroach into the required rear yard setback but within the building envelope indicated on the Grading and Drainage Plan.
 - (2) Section 14-7-3(E) to allow "Flag Lots" by reducing the required lot frontage from sixty feet (60') to ten feet (10').
- c. That the Conditions, Covenants and Restrictions (CC&R's) shall be approved by the Town Attorney and Town Planner prior to issuance of any requisite permits. Said CC&R's shall include a maintenance commitment and schedule for the private roadways within the development.
- d. That the Owner shall install sidewalks in accordance with Town specifications on the west side of Yucca Drive between Palo Verde and Wickenburg Way prior to the issuance of any Occupancy Permits.
- e. That the Owner shall describe and reserve for public use an equestrian/pedestrian easement along the south bank of the South Branch of Cassandra wash prior to approval of Phase II.

- f. That the Owner shall describe and reserve a one foot (1') vehicular non-access easement along the north property line of this project.

SECTION II. Termination of PAD Zoning

This Zoning Ordinance amendment shall terminate and the zoning classification of the affected property shall revert to its prior district classification at the end of three (3) years following the effective date of this Ordinance if the final development or Site Plan or phase one thereof has not then been submitted to the Planning and Zoning Advisory Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within three (3) years of approval of the previous phase. The Council may grant one (1) extension of time not exceeding two (2) years for any phase of the development. The Planning and Zoning Advisory Commission and the Council shall hold a public hearing prior to any such reversion.

SECTION III. Severance Clause

In any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code 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 IV. Repeal of Conflicting Ordinances

All Ordinances and parts of Ordinances in conflict with the provisions of the Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

SECTION V. Penalty Clause

Any person found guilty of violating any provision of this Ordinance shall be found guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for a period not to exceed three (3) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

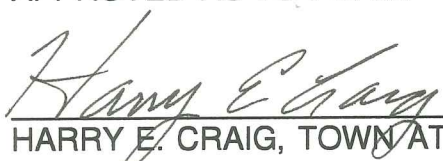
PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF WICKENBURG, ARIZONA, THIS 16th DAY OF January, 1995.


DALLAS C. GANT, MAYOR

ATTEST:


EDNA GRIEVES, TOWN CLERK

APPROVED AS TO FORM:


HARRY E. CRAIG, TOWN ATTORNEY

DATE OF FIRST READING: January 3, 1995

DATE OF SECOND READING: January 16, 1995

DATE OF COUNCIL MINUTES CERTIFICATION: January 20, 1995