

ORDINANCE NO. 1145

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, APPROVING THE CONCEPTUAL SITE PLAN FOR THE WICKENBURG 667 PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF WICKENBURG BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 667 ACRES, LOCATED AT THE INTERSECTION OF HIGHWAY 89 AND HIGHWAY 93, IN ZONING CASE 14-03, FROM TOWN OF WICKENBURG SINGLE FAMILY RESIDENTIAL (R1-175) ZONING DISTRICT TO TOWN OF WICKENBURG SINGLE FAMILY LOW DENSITY RESIDENTIAL (R1-6), RECREATIONAL VEHICLE PARK (RVP), RESORT AND RECREATION (RR), COMMERCIAL (C-3) AND MULTI-FAMILY RESIDENTIAL (RM-2) ZONING DISTRICTS WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, by adoption of this Ordinance, the Town Council desires to modify base zoning district regulations to implement policies in the General Plan and permit unique or mixed-use development; and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Wickenburg General Plan; 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;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Wickenburg, Arizona, as follows:

Section I. In General.

1. The Wickenburg 667 Conceptual Site Plan, defined in Paragraph 3 herein and attached hereto as Exhibit B, is hereby approved.

2. The Official Zoning Map of the Town of Wickenburg, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 667 acres described in the legal description, Exhibit A and shown on the Conceptual Site Plan in Exhibit B (the "Property"), both attached hereto and incorporated herein by this reference, from Town of Wickenburg Single Family Residential (R1-175) zoning district to Town of Wickenburg Single Family Low Density Residential (R1-6), Recreational Vehicle Park (RVP), Resort and Recreation (RR), Commercial (C-3) and Multi-Family Residential (RM-2) zoning districts with a

Planned Area Development Overlay Zoning District, in accordance with the Conceptual Site Plan, as defined in Paragraph 3 herein.

3. The Property described in Paragraph 2 of this Section shall be used and developed in accordance with the Conceptual Site Plan, the Development Agreement by and between Town of Wickenburg and WVDL, an Illinois partnership dated December 1, 2014, the Wickenburg Ranch PAD Standards as adopted by Ordinance No. 1144 and the Wickenburg Zoning Code of the Town of Wickenburg. In addition to conformance with the Conceptual Site Plan, the Development Agreement by and between Town of Wickenburg and WVDL, an Illinois partnership dated December 1, 2014 and the Wickenburg Ranch PAD Standards as adopted by Ordinance No. 1144 except as modified in condition f below, development of the Property shall be subject to the following conditions:

- a. Dedication to Wickenburg of right-of-way for collector roads within the Property shall be made at the time of recordation of the final plat or as required by the Town Engineer.
- b. Construction of any off-site improvements to Highway 93 and/or Highway 89 adjacent to the Property shall be completed as required by the Arizona Department of Transportation.
- c. At the written request of Wickenburg, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Wickenburg's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- d. Developer shall create a Homeowner's Association (HOA) or Property Owners' Association (POA) for the ownership, maintenance, landscaping, repair and preservation of all common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- e. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use unless such easements are within a gated community.
- f. The Project shall be developed in conformance with the Wickenburg Ranch PAD Standards except sign listed in the

Community Signage Concept type "K" (billboard signs) shall not be permitted and all development shall comply with the Town of Wickenburg Zoning Code, except as modified by the Wickenburg Ranch PAD Standards.

- g. The lots along the southern property line shall be a minimum of one (1) acre gross lot sizes.
- h. Town Council shall review the master subdivision plan for the development which shall be approved by the Town Council prior to preliminary plat approval.

Section II. Providing for Repeal of Conflicting Ordinances.

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

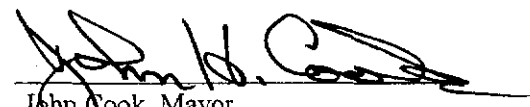
Section III. Providing for Non-Severability.

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 shall have no force or effect.

Section IV. 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 14-27-5, 14-27-6 and 14-27-7 of the Wickenburg Zoning Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Wickenburg Municipal Court continues, shall constitute a separate offense.

PASSED AND ADOPTED by the Common Council of the Town of Wickenburg, Arizona, this 16th day of December, 2014.

By: 
John Cook, Mayor

ATTEST:

By: 
Gloria Leija, Town Clerk

APPROVED AS TO FORM:

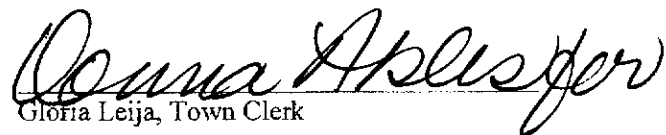
By: 

Kelly Y. Schwab, Curtis, Goodwin,
Sullivan, Udall & Schwab, P.L.C.,
Town Attorneys

Number of Councilmembers Present: 6
Number of Votes For: 5
Number of Votes Against: 0
Number of Abstentions: 1

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1145 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 16th day of December, 2014, and that a quorum was present at the meeting.


Gloria Leija, Town Clerk

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Conceptual Site Plan

EXHIBIT "A"

PARCEL 1:

THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 5 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 93; AND EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE A.T. AND SANTA FE (NOW BURLINGTON NORTHERN AND SANTA FE) RAILWAY.

EXCEPT THE OIL AND GAS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA RECORDED IN BOOK 1550 OF OFFICIAL RECORDS, PAGE 520.

PARCEL 2:

ALL THAT PART OF SECTION 19, TOWNSHIP 8 NORTH, RANGE 5 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 89, AND EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE A.T. AND SANTA FE (NOW BURLINGTON NORTHERN AND SANTA FE) RAILWAY.

EXCEPT THE OIL AND GAS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA RECORDED IN BOOK 1550 OF OFFICIAL RECORDS, PAGE 520.

PARCEL 3:

ALL THAT PORTION OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 5 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, LYING SOUTH OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 89.

EXCEPT THE OIL AND GAS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA RECORDED IN BOOK 1550 OF OFFICIAL RECORDS, PAGE 520.

PARCEL 4:

THAT PORTION OF SECTION 29, TOWNSHIP 8 NORTH, RANGE 5 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER, AND A PORTION OF THE NORTHEAST QUARTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 29;

THENCE SOUTH 00 DEGREES, 02 MINUTES EAST ALONG THE WEST LINE THEREOF TO A POINT WHICH IS NORTH 00 DEGREES, 02 MINUTES WEST, A DISTANCE OF 587 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 29;

THENCE NORTH 35 DEGREES, 46 MINUTES EAST TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE PRESCOTT-WICKENBURG HIGHWAY, U.S. 89;

THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE TO THE INTERSECTION WITH THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 29;

THENCE WESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

EXCEPT THE OIL AND GAS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA

EXHIBIT "A"

RECORDED IN BOOK 1550 OF OFFICIAL RECORDS, PAGE 520.

PARCEL 5:

ALL OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 5 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE A.T. AND SANTA FE (NOW BURLINGTON NORTHERN AND SANTA FE) RAILWAY.

EXCEPT THE OIL AND GAS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA
RECORDED IN BOOK 1550 OF OFFICIAL RECORDS, PAGE 520.

EXHIBIT "B"

Parcel	Use	Acreage	Density	Unit #
A	Single Family Low Density	17	3.0	51
B	Recreational Vehicle Park (RVP)	70	7.0	490
	Resort & Recreation (RR)	17		
D	Single Family Low Density	348	3.0	1,044
E	Multi-Family (RM-2)	18	18.0	324
F	Commercial (C-3)	35		
G	Commercial (C-3)	22		
Hwy 93 ROW		7		
Total		534		1,909
Open Space A	Open Space	46		
Open Space B	Open Space	55		
Open Space C	Open Space	32		
Open Space Total		133		
Property Gross		667	2.85	1,909

