

ORDINANCE NO. 838

(RE: DEVELOPMENT REVIEW/ENFORCEMENT)

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE *TOWN CODE OF WICKENBURG*, CHAPTER 14 ZONING BY AMENDING ARTICLE 14-23A DEVELOPMENT REVIEW BY ADDING A NEW SECTION 14-23A-12 LIGHTING; RENUMBERING SUBSEQUENT SECTIONS AND AMENDING PORTIONS OF THE FOLLOWING: SECTION 14-23A-1 PURPOSE; SECTION 14-23A-2 APPLICABILITY; SECTION 14-23A-3 APPLICATION, FEES AND PLANS; SECTION 14-23A-4 DEVELOPMENT THEMES; SECTION 14-23A-6 WATER CONSERVATION PLAN; SECTION 14-23A-7 SITE PLAN; SECTION 14-23A-8 LANDSCAPING PLAN; SECTION 14-23A-10 SCREENING REQUIREMENTS; SECTION 14-23A-12 LIGHTING PLAN; AND SECTION 14-23A-13 DEVELOPMENT REVIEW PROCEDURE; AND FURTHER, AMENDING CHAPTER 8 BUILDING BY AMENDING ARTICLE 8-1 BUILDING CODE, SECTION 8-1-8 ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, recent development has suggested the need to insure that the night sky in and around wickenburg is not lit by stray or unnecessarily bright lighting associated with development of the community; and,

WHEREAS, the Planning and Zoning Advisory Commission has determined that certain amendments of the Town's Development Review Code are necessary or desirable in order to clarify its intent and standards set forth therein; and,

WHEREAS, after reviewing the existing Code and studying its various components, the Planning and Zoning Advisory Commission has formulated various amendments to the Code which have been made available to the public for comment;

WHEREAS, the Planning Commission has forwarded its recommendations regarding amendments to the Code to the Town Council for its consideration; and,

WHEREAS, the Common Council has reviewed the recommendations of the Planning Commission and has found said recommendations to be in the best interest of the citizens of the Town of Wickenburg.

THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg as follows:

Section I. In General

The *Town Code* of the Town of Wickenburg, Chapter 14 ZONING, specifically Chapter 14-23A DEVELOPMENT REVIEW is hereby amended as follows:

ARTICLE 14-23A DEVELOPMENT REVIEW

- 14-23A-1 Purpose**
- 14-23A-2 Applicability**
- 14-23A-3 Application, Fees and Plans**
- 14-23A-4 Development Themes**
- 14-23A-5 Grading, Excavation and Drainage**
- 14-23A-6 Water Conservation Plan**
- 14-23A-7 Site Plan**
- 14-23A-8 Landscaping Plan**
- 14-23A-9 Building Elevations**
- 14-23A-10 Screening Requirements**
- 14-23A-11 Sign Design Criteria**
- 14-23A-12 LIGHTING PLAN**
- 14-23A-13 Development Review Procedure**

Section 14-23A-1 Purpose

The **PRINCIPLE PRINCIPAL** purposes of this Article (14-23A Development Review) is to (1) establish development standards and project review procedures to insure compliance with the technical codes, development policies, and project design and materials standards of the Town of Wickenburg; and, (2) to preserve and enhance the natural and built environment in terms of local topographic characteristics, resource utilization, and community aesthetics in order to provide a healthful and attractive community; and, (3) support the tourist based portion of the local economy by promoting quality western/southwestern project design **AND AESTHETICS**.

Section 14-23A-2 Applicability

No permit for the construction of any building, structure, structural additional, sign, parking lot or grading shall be issued until the project has been deemed to have complied with the intent and specific requirements and standards set forth in Article 14-

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-2 Applicability****14-23A-3 Application, Fees and Plans**

23A Development Review as well as other applicable Sections of the Town Code in the zoning districts below.

In addition to applicable Building Permits, a Zoning and Development Review Certificate of Compliance is required to be obtained from the Zoning Administrator for all new construction, remodeling, parking lots, walls/fences, signs or any other construction in the areas covered by this Article.

LIST OF ZONING DISTRICTS		
RM-1	District	Multi-Family Residential
RM-2	District	Multi-Family Residential
MHP	District	Mobile Home Park
RVP	District	Recreational Vehicle Park
PSC	District	Planned Shopping Center
C-1	District	Neighborhood Commercial
C-2	District	Central Commercial
C-3	District	Major Street Commercial
IND-1	District	Planned Industrial
IND-2	District	Light Industrial
PF	District	Public Facilities

This Article shall not apply to single family residences **OR SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS** existing on the date this Article is adopted **IN THE R1-5A, R1-35, R1-12, AND R1-6 ZONING DISTRICTS WHICH ARE LOCATED IN AREAS TO WHICH THIS ARTICLE MIGHT OTHERWISE APPLY, EXCEPT THAT USES REQUIRING A SPECIAL USE PERMIT WHICH ARE LOCATED IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE.**

Section 14-23A-3 Application, Fees and Plans**A. APPLICATION:**

All applications for Development Review shall be made on forms provided by the Planning Department. All requested information, as applicable to the proposed project shall be provided by the applicant.

B. FEES:

Fees for Development Review shall be established by resolution of the Town Council. Fees shall be paid at the time of application for Development Review.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-3 Application, Fees and Plans****C. DEVELOPMENT REVIEW COMMITTEE ESTABLISHED:**

There is hereby established a Development Review Committee, which is charged with approving, conditionally approving, or rejecting plans which, are submitted to comply with this Article. At the discretion of the Town Council, the Planning and Zoning Advisory Commission may sit as the Development Review Committee or an independent body may be authorized and appointed.

D. PLANS: All proposals and plans shall be consistent with all applicable Sections and provisions of the Town Code of Wickenburg as it now exists or may be hereafter amended. Each application for Development Review shall be accompanied by a Development Plan, which shall include the following:

1. GRADING, EXCAVATION AND DRAINAGE PLAN indicating existing and proposed grades, pre and post development storm water flow, discharge and retention.
2. WATER CONSERVATION PLAN indicating those measures which will be utilized to conserve the Town's water supply.
3. SITE PLAN indicating all dimensions which are pertinent to insure compliance with all applicable Codes and the dimensioned location of all proposed and existing structures, parking areas, landscape areas, walls, sidewalks, refuse enclosures, and other elements of the proposed project.
4. LANDSCAPE PLAN including a schematic representation of the location of all landscaping materials and screening walls, a plant materials schedule including plant name and variety, number used in plan, on-center spacing when appropriate, and plant characteristics.
5. BUILDING ELEVATIONS indicating the architecture of the north, south, east and west elevations for all onsite structures, noting all exterior finish materials and color. A Color and Material Board is required which indicates consistency with Subsection 14-23A-4 below. A WRITTEN NARRATIVE must accompany the plans detailing how the proposed building elevations achieve compliance with Section 14-23A-4 Development Themes as set forth herein.
6. SCREENING indicating delineation fences/walls/berms, screening and perimeter wall details.
7. SIGN PLANS indicating dimensions, including height, size, location, materials and colors.
8. **LIGHTING PLAN**
9. *USES by note, a list of all proposed primary and secondary uses.*
10. OTHER DATA AND DOCUMENTATION requested by the Planning Department to insure that the proposed development is consistent with this Article. As required by State Law, **~~OR AS DETERMINED BY THE~~**

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-3 Application, Fees and Plans****14-23A-4 Development Themes**

~~ZONING ADMINISTRATOR,~~ plans ~~SO-REQUIRING~~ shall be stamped by the appropriate registered ~~ARCHITECT, LANDSCAPE ARCHITECT,~~
~~OR ENGINEER PROFESSIONAL.~~

Section 14-23A-4 Development Themes

In order to preserve and enhance the unique character and western heritage of the Town of Wickenburg, all development subject to the provisions of this Article shall be consistent with either the Heritage Area Theme or the ~~TERRITORIAL~~/Southwestern **TERRITORIAL** Development Theme, which are respectively described below:

A. HERITAGE TERRITORIAL AREA THEME

1. Location: There is established a Heritage Area which is located within the following boundaries: to the north, the center line of Mohave Street from its intersection with the center line of Jefferson Street and extended in a northeasterly direction to the center line of Sols Wash; then along the center line of Sols Wash in a southeasterly direction to its intersection with the center line of the Hassayampa River; then in a southeasterly direction along the center line of the Hassayampa River to the intersection with a line located 300 feet south of the center line of Wickenburg Way and thence along said line in a southwesterly direction, paralleling said center line of Wickenburg Way, to the center line of Adams Street; then in a northwesterly direction along the center line of Adams Street to the center line of Santa Cruz Street, then in a northeasterly direction along the center line of Santa Cruz Street to its intersection with the center line of North Jefferson Street, then in a northwesterly direction along the center line of North Jefferson Street to the point of beginning.
2. Architectural Style: The architectural character in the Heritage Area shall follow a restorative theme in keeping with the original architecture of existing buildings in the context of the various architectural styles, described as follows:
 - a. Victorian Commercial architecture is characterized by use of variously colored and textured building materials, including brick, stone, wood, plate or stained glass, and heavily decorated metal forms. Buildings are low in profile, from 1 to 3 stories in height, with front constant height or stepped parapet facade, (buildings, which are wider than

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-4 Development Themes**

they are tall, ~~SHALL~~ **SHOULD** have a stepped parapet or facade) flat roof appearance.

Windows are double hung and grouped within structural bays with rectangular or arched hoods. Clerestory windows are common. The building style is accentuated by pronounced moldings, cornices, pilasters awnings and details. The building often has a narrow vertical look, which is counterbalanced by horizontal bands and clerestory windows. The exteriors are enhanced by street furniture, plantings and textured walkways.

This category includes Western Store Front Commercial styles such as the Gold Nugget restaurant, the Texas Cafe/Riggs House, the Old Barber Shop, the alley frontage of the Hi-Way Cafe, various buildings on Frontier Street and the Double "D" Western Store. These are characteristically single story structures with a pitched roof behind a stepped parapet facade constructed of board and bat with cornice detailing and awnings.

- b. Neo-Colonial architecture is characterized by an overall impression of symmetry in the building's massing and fenestration. Exterior building materials include brick, rusticated concrete masonry, frame with clapboard or board and batten sheathing. Buildings are 1 or 2 stories in height with a dominant single roof form, usually hipped. The neo-colonial style exhibits entry porches and verandas recessed below the main roof. The windows are wood, double-hung, often symmetrically located next to a central front entrance. Brick or textured walkways and street furniture enhance the exteriors. Examples are the Hassayampa Building, the old City Hall and Jail (Smoke Eaters Hall), and Garcia School (Community Bank at the "Little Red School House").
- c. Bungalow Style architecture is characterized by a gabled roof with exposed rafter ends. The building materials include frame with clapboard sheathing, brick, and adobe with stucco finish. Entries are often central with roofed porches, or offset. Buildings are low in profile, one story, with double-hung windows of wood. Landscaped yards and textured walkways enhance the architecture. Examples include the Santa Fe Bunkhouse, the Santa Fe Section House, and the structure at 170 East Center Street

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-4 Development Themes****B. ~~TERRITORIAL/Southwestern~~ TERRITORIAL Development Theme:**

1. Location: All areas subject to the provisions of this Article except for the Heritage Area.
2. Architectural Styles: Architectural styles **SHALL** include the following descriptions in addition to those listed in the Heritage Area. Architectural interpretation of these styles is encouraged. Vernacular styling may be considered providing it is found that the specific proposal is appropriate to the specific site and situation. Vernacular styling are not allowed in commercial Zoning Districts (PSC, C-1, C-2 and C-3).

The architectural styles set forth below may be used in the Heritage Area upon approval of the Zoning Administrator or the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** or on appeal, the Town Council.

- a. Any of the styles described in Section 14-23A-4.A. above.
- b. Contemporary Spanish Architecture is a low profile (1-2 story) style, characterized by tile roof construction with stuccoed walls and ornate, brick or tile chimney tops. Windows are recessed with rectangular surround panels, and front entry porches are roofed and supported by squat round or square columns. Informal plantings and lavish use of colorful flowers, rock and cacti are used to compliment the subtle, earth tones of the architecture.
- c. Santa Fe Adobe/Pueblo Revival, Spanish Colonial, and Mission:
{1} Santa Fe Adobe/Pueblo Revival architecture is characterized by the look of single story, adobe construction with thick, clay-colored walls and parapet, flat roofline appearance. Small-paneled windows and doors are deeply recessed with wooden frames and large, exposed lintels. Vigas or rounded wood rafters, extend through the outside wall surfaces at ceiling level. Building corners are rounded and provide strong structural appearance by maintaining a greater width between the outside corner and the nearest wall opening than the width of the opening. Installation of informal stone walkways with rock, cacti, succulents and other native plantings add to the organic appearance of the building, integrating it with the site.

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{2} Spanish Colonial architecture is characterized by low, long lines of plastered or stuccoed walls capped with decorative brick cornices. Small pane windows, are enhanced by paneled-wood shutters and deep recesses, bordered by brick sills and rectangular hoods or pediments. Entry porches are lined with brick floors and slender wood or stucco columns, topped by simple capitals and neck moldings. Brick walkways integrated with formal and less formal native plantings embellish the architectural style.

{3} Mission architecture is characterized by the lavish use of arches and by vertical design elements including square bell towers, curved cupolas and domes. Arched entries are embellished with ornate carving and sculptural relief, contrasting with relatively plain, plastered, wall surfaces flanking the entries. Building profiles range from 1 to 4 stories with roof styles varying from parapet, flat roof facades to tiled, pitched and vaulted roofs. Tiled colonnades of arches are prevalent as approach walkways and open-walled rooms. Native landscape materials, installed in formal design, enhance the prominent flavor of the architecture.

d. ANY VARIANT ON THE ABOVE STYLES WHICH IS FOUND BY THE DEVELOPMENT REVIEW COMMITTEE TO CONSTITUTE SOUTHWESTERN/TERRITORIAL ARCHITECTURE.

d. e. Prohibited are Gambrel, Mansard and "A" Frame Roofs styles.

C. EXTERIOR FINISH MATERIALS:

1. All construction located in any commercial zoning district, special use or planned area development overlay districts, the Heritage area as described above, or any property **OR PORTION OF A PROPERTY, REGARDLESS OF ZONING, ALL OR PART OF** which is located within 300 feet (300') of a major or principal arterial as indicated on Map 21 of the Wickenburg General Plan as adopted by the Town Council on January 16, 1988 shall conform with the exterior finish materials requirements of this subsection 14-23A-4-C.1.a. through f.

The designated arterials include North Tegner Street (U.S. 93) from its intersection with Wickenburg Way north/northwest to the Town Limits, and Wickenburg Way (U.S. 60-93) from the Town Limits on the east to the Town Limits on the west. Existing single family residences in single family residential zones are exempt.

ARTICLE 14-23A DEVELOPMENT REVIEW
14-23A-4 Development Themes

a. EXTERIOR BUILDING WALLS »

Preferred: Natural materials including brick, adobe, mortar washed slump block, split face block, rock, and stucco or plaster with a smooth or sand finish, wood. Board and bat consisting of 1" x 12" boards with 1" x **4" 3"** bats or rough sawn plywood having a minimum thickness of 5/8 inch with 1" x **4" 3"** bats applied 12" on center. Cast metal decorative elements including storefront facades, metal hoods, or other decorative elements such as cornice detailing.

Prohibited (UNLESS CONCEALED FROM VIEW): Grooved plywood, compounded hard/compressed board siding products, aluminum or vinyl siding, any type of corrugated steel or tin, plastics, fiberglass, asphaltic, or imitation materials, or skip trowel stucco in commercial zoning districts.

b. ROOFS »

Preferred: Standing seam metal with patina or core ten finish, not paint or enamel, traditional corrugated tin or metal, clay tile, concrete tile, **WOOD SHAKES**, parapet wall.

Prohibited unless concealed behind a parapet wall or otherwise concealed from view: Asphalt shingles, fiberglass shingles, composition shingles, rolled roofing, plastic, fiberglass, foam, tar and gravel, and tar or tar paper.

c. WINDOW AND DOOR FRAMES »

Preferred: Masonry, Wood, Bronze or Brown Aluminum

Prohibited: Natural Colored Aluminum

d. FENCES AND WALLS »

Preferred: Smooth or sand finished stucco over concrete masonry units (CMU), adobe brick, wood, stone, wrought iron or other natural materials approved by the Zoning Administrator. Required screening walls shall, in all cases, be constructed of a solid opaque material.

Prohibited: UNLESS CONCEALED FROM VIEW AND APPROVED BY THE PLANNING AND ZONING ADVISORY COMMISSION, INSTALLATION OF chain link with or without slats, box wire, wire, barbed wire, corrugated tin, metal, **OR FIBERGLASS** is prohibited.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-4 Development Themes****14-23A-5 Grading, Excavation and Drainage**

- e. ALL APPLICATIONS: ~~NO ANY~~ building materials ~~SHALL BE APPROVED~~ which attempt to mimic another material MAY ONLY BE UTILIZED UPON A FINDING BY THE DEVELOPMENT REVIEW COMMITTEE, OR ON APPEAL, THE TOWN COUNCIL, THAT THE MATERIAL MEETS THE AESTHETIC PURPOSE AND INTENT OF THIS ARTICLE. For example, plastic or aluminum formed to resemble tile, pressboard formed to resemble wood siding.
- f. CONSIDERATION OF ALTERNATE MATERIALS: Materials other than those specifically prohibited may be submitted for consideration by the Development Review Committee. The Committee or on Appeal, the Town Council may approve alternate materials if there is sufficient evidence and justification to make the following finding:

FINDING: That the alternate material is of equal or better quality in terms of aesthetics and longevity than the preferred materials; and, further that the purpose and intent of this Article will be advanced with the approval of the alternate material.

Section 14-23A-5 Grading, Excavation and Drainage

- A. In order to preserve the unique topographic characteristics of the Town of Wickenburg and, make provision for adequate and systematic drainage, a Grading, Excavation and Drainage Plan shall be reviewed in terms of the following criteria and generally accepted engineering standards:
1. That the natural configuration of the land should not be disturbed beyond that which is reasonably necessary to create a building site. Native trees, shrubs and cactus shall, when possible, be systematically retained and incorporated into the landscape plan. All applications for a grading permit shall be accompanied by topographic map with 2' contours and noting all trees having a caliper diameter at point one foot above grade of 2" and any shrub having an overall height of 3'. Trees, shrubs and cactus retained may be used, in part, to meet the landscaping requirements set forth in Section 14-23A-8.
 2. That cut slopes, fill slopes or combinations thereof shall be limited to a maximum height of ten feet (10'), unless otherwise approved by the Development Review Committee or on appeal to the Town Council.
 3. Cut slopes or fill slopes are acceptable for driveway purposes providing that the average height of all such slopes along the length of the driveway does

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-5 Grading, Excavation and Drainage****14-23A-6 Water Conservation Plan****14-23A-7 Site Plan**

not exceed four feet (4'). No individual cut slope or fill slope shall exceed six feet (6') or in combination of ten feet (10').

4. Unless soil conditions indicate otherwise, vegetation shall be established on all cut or fill slopes in accordance with accepted slope stabilization practices and the landscaping requirements of this Article.

Section 14-23A-6 Water Conservation Plan

- A. In order to conserve water for the benefit of the residents of the Town of Wickenburg and economic vitality of the community, the Water Conservation Plan shall indicate by note or narrative all methods and measures which are proposed to moderate the use of water by the proposed development including, but not limited to, the following:
 1. Drought tolerant or native landscape materials. Grass is **PROHIBITED DISCOURAGED**.
 2. Drip irrigation system.
 3. Reduced or low volume flush toilets.
 4. Low flow water faucets and showerheads.
 5. Utilization of non-potable water to fill any water feature or body of water to be used for landscaping or recreational purposes which have a surface area greater than 12,320 square feet.
- B. The Water Conservation Plan shall demonstrate a reduction in total water usage of at least fifteen- percent (15%) when compared to conventional plans.

Section 14-23A-7 Site Plan

- A. The Site Plan shall indicate a functional and aesthetic approach to project development, which is consistent with the codes and policies of the Town of Wickenburg. The site plan shall be fully dimensioned starting from the center line of adjacent streets to the property line, the dimensions of all property lines, dimensions from all property lines to setback and/or building lines, dimensions of all on-site buildings, structures and structural elements, dimensions of driveways, parking stalls and back up/maneuvering areas, and refuse enclosures, and other elements of the plan.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-7 Site Plan**

1. Parking: All required parking areas including spaces and attendant back-up maneuvering area, shall be designed and constructed in accordance with the following:

- a. Surface: All required parking spaces, attendant back-up/maneuvering areas and driveways shall have a dust free and permanent surface consisting of a minimum of two inches (2") of asphaltic concrete pavement over four inches (4") of aggregate base.

- ~~b. STRIPING: ALL PARKING LOTS SHALL BE STRIPED. THE STRIPING PATTERN SHALL DELINEATE INDIVIDUAL PARKING STALL CONFIGURATIONS AS REQUIRED BY SECTION 14-11-5.B. ALL STRIPING SHALL BE MAINTAINED IN A LEGIBLE MANNER.~~

- b. STRIPING: ALL PARKING LOTS SHALL BE STRIPED AND MAINTAINED IN A LEGIBLE MANNER. THE PARKING LOT DESIGN LAYOUT SHALL BE IN ACCORDANCE WITH THE FOLLOWING CHART:

<u>PARKING SPACE ANGLE (DEGREE)</u>	<u>WIDTH OR CURB LENGTH</u>	<u>STALL DEPTH</u>	<u>AISLE WIDTH</u>	
			<u>ONE WAY</u>	<u>TWO WAY</u>
<u>90°</u>	<u>9'</u>	<u>19'</u>	<u>24'</u>	<u>24'</u>
<u>60°</u>	<u>9'10"</u>	<u>21'</u>	<u>18'</u>	<u>20'</u>
<u>45°</u>	<u>12'2"</u>	<u>19'11"</u>	<u>13'</u>	<u>20'</u>
<u>30°</u>	<u>17'1"</u>	<u>17'4"</u>	<u>12'</u>	<u>20'</u>
<u>0°</u>	<u>23'</u>	<u>9'</u>	<u>12'</u>	<u>20'</u>

- c. All parking areas, which are co-terminus with landscape areas, shall be bordered with a six-inch (6") continuous curb or an approved alternative, which, in no case, shall include bumper blocks.
- d. All parking areas shall terminate at a distance no less than three feet (3') from the exterior wall of any building or structure. The intervening area shall be appropriately landscaped, if not used as an elevated sidewalk. If used with other than parallel parking, the sidewalk shall have a minimum width of five feet (5'). If the intervening area is landscaped, the depth of the parking space may be reduced to 17½ feet **FOR NINETY-DEGREE (90°) PARKING.**

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-7 Site Plan****14-23A-8 Landscaping Plan**

- e. Continuous curbing shall be utilized to protect screening walls and refuse enclosures from vehicular contact.
- f. All parking areas shall be screened from street view as described below in Section 14-23A-10 of this Article.

2. Driveways: No driveway shall exceed thirty feet (30') in width at property line and there shall be a minimum of thirty feet (30') between driveways. When approved by the Arizona Department of Transportation, the Zoning Administrator or Planning and Zoning Advisory Commission, driveway width and separation may be adjusted on a case by case basis to insure adequate and safe ingress and egress.

- B. The Site Plan shall indicate the location and dimension of all on-site and off-site elements of the proposed development.

Section 14-23A-8 Landscape Plan

The standards set forth in this Subsection shall be the minimum landscaping requirements for any lot or development to which said standards are applicable, except buildings or additions to such buildings located in the C-2 Zoning District existing prior to July 6, 1987 for which the standards may be modified or eliminated upon approval by the Zoning Administrator on a case by case basis, depending on the area available for the installation of landscaping materials and screening walls.

A. Landscape Requirements

- 1. Required Quantities: The minimum landscaping requirement for any lot or portion thereof upon which landscaping is required shall be as follows:
 - a. One (1) tree having a minimum size of 15 gallons per 500 square feet of required landscaped area. A saguaro or similar cactus having a minimum height of 8 feet may be substituted for a 15-gallon tree;
 - b. One shrub having a minimum size of 5 gallons per 75 square feet of required landscaped area; a boulder of at least 2 feet x 2 feet x 2 feet approximate size may be substituted for a 5 gallon shrub;
 - c. Ground cover shall consist of decomposed granite or decomposed granite in combination with plant material or other rock material;
 - d. The entire area between the back of curb or back of sidewalk and the required setback line shall be landscaped.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-8 Landscaping Plan**

2. Plant Material Types:
 - a. Plant materials shall consist of those species recognized as appropriate for landscaping use in Wickenburg's climate by the *Sunset Western Garden Book*, which is hereby designated to be a public document and is adopted by this reference, three (3) copies of which are on file in the Clerk's Office.
 - b. The use of native and/or drought tolerant plants is required.
 - c. The use of color providing plant materials is encouraged.
 - d. The use of boulders and other hard decorative or ornamental elements is encouraged.
 - e. The use of artificial plant materials is prohibited.
3. Required Landscaping Locations: Landscape materials as specified in Subsection A. below shall be installed in the required minimum yard setbacks, except driveways, screening walls, or signs as follows:
 - a. Entire front yards and street side yards in the RM-1, RM-2, MHP, and RVP, C-1, C-2, and C-3 Zoning Districts.
 - b. At least 30' of the required front yard and the required street side yards in the PSC District.
 - c. Developments in C-1, C-2, C-3, and PSC Districts shall provide landscape areas in the matrix of the parking lot at a ratio of not less than 100 square feet per 20 spaces.
 - d. All unpaved areas, which are open to the sky, shall be landscaped.
 - e. At least 25' of the required front yard in the IND-1 District and at least 15' of the required front yard in the IND-2 District.
 - f. Entire required street side yards in the IND-1 and IND-2 District.
 - g. Entire required interior side and rear yards of any applicable Zoning District wherein such interior side or rear yard is adjacent to a Residential District and not used for driveways, parking or screening walls.
4. Landscape materials as specified in this Section shall also be installed in required setbacks for parking lots ~~IN ACCORDANCE WITH SECTION 14-11 4 A.3. AND IN NO CASE SHALL THERE BE LESS THAN A MINIMUM 10' WIDE LANDSCAPE STRIP BETWEEN A PARKING LOT AND A PROPERTY LINE ABUTTING A STREET RIGHT OF WAY.~~
5. Landscaping in street rights-of-way between the property line and a sidewalk, curb or roadway surface edge shall also be required in addition to the landscaped yard setbacks specified above in this Section.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-8 Landscaping Plan****14-23A-9 Building Elevations**

6. Maintenance:
 - a. Provision shall be made for appropriate water service to all landscaped areas requiring water.
 - b. All plant materials shall be maintained in a living condition and dead materials shall be replaced within thirty (30) days.
 - c. All required landscape areas shall be maintained in a weed and litter free condition.
7. Planting Details: All required plant materials shall be installed in a hole having a minimum dimension which is twice the diameter and 6" deeper than the dimension of the root ball of the plant to be installed. All backfill shall consist of a combination of topsoil as amended for the specific soil conditions, which have been identified on the site by the landscape architect **OR DESIGNER.**

Section 14-23A-9 Building Elevations

- A. All building elevations/faces visible from a public street or adjacent residential neighborhood or zoning district shall include architectural treatment including design elements and relief.
- B. FINDINGS FOR APPROVAL. In order to approve proposed building elevations, the Development Review Committee or on appeal the Town Council, sufficient evidence must be presented by the applicant to support and justify the following Finding:
 1. That the proposed building elevations are consistent with the selected architectural style. Criteria for Analysis:
 - a. Roof line and facade design
 - b. Finish building materials
 - c. In no case, shall a Finding for approval be made if the design element indicated in Section 14-23A-11 have not been incorporated into the architectural plans for the proposed building(s) which shall specify the selected architectural style.

Section 14-23A-10 Screening Requirements

- A. Walls and screening devices are required for the screening of the following from public view from any adjacent public right-of-way or adjacent property:

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-10 Screening Requirements**

1. Trash and refuse areas
2. Outdoor storage areas
3. Mechanical equipment
4. Loading and unloading areas and service bays
5. Parking lots
6. Other uses and conditions as specified.

B. Types of Walls and Screening Devices Required are as follows:

1. For the screening of all outdoor storage areas, refuse containers, loading and unloading areas and service bays: solid walls, not less than five feet (5') in height above grade shall be erected to adequately screen such areas on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
2. For the screening of all ground-mounted mechanical equipment: solid walls equal to the height of the equipment shall be erected to adequately screen such equipment on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
3. For the screening of roof-mounted mechanical equipment: a parapet wall or other screening device, compatible with the architectural style and materials of the building upon which the mechanical equipment is mounted, shall be installed to be no lower in height than 6" below the height of the mechanical equipment on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
4. For a parking lot abutting a residential district: a solid, screening wall not less than five feet (5') in height shall be erected abutting the lot line adjacent to the residential district; provided, however, that in no case shall a screen wall extend closer to a street line than the minimum required setback for adjacent residential properties.
5. Parking lots: shall be screened or delineated from street view by a masonry wall, split rail fence, berm, landscape materials, or a combination thereof, to a height of three feet (3') above the highest finished grade of the parking lot.
6. Mobile Home Parks and Recreational Vehicle Parks: shall be screened by solid screening walls having a minimum height of six feet (6') along all exterior boundaries of said parks except for driveways.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-10 Screening Requirements**

7. Any commercial or IND-1 or IND-2 development which is proposed for a site having a property line which is co-terminus with a residential site or zone: shall provide a six foot (6') masonry wall and fifteen (15) gallon trees, fifteen feet (15') on center along that portion of the property line which is co-terminal.
8. All side and rear yards in Multi-Family Residential, Commercial, and Industrial development which are visible from a public street from other than the front yard: shall provide a six foot (6') screening wall and a four foot (4') wide landscape strip in said yards.
9. Outdoor sales lots as allowed by the respective zoning districts: shall be screened and landscaped in conformance with the requirements for parking lots.
10. Screening walls shall be constructed in accordance with the material and opacity requirements set forth in Section 14-23A-4.C.1.d. of this Article.
- ~~11. ALL OUTDOOR LIGHTING FIXTURES SHALL NOT EXCEED THE BELOW HEIGHT SCHEDULE AND ALL LIGHT FIXTURES SHALL HAVE A NINETY DEGREE (90°) CUTOFF. ALL LIGHTING FIXTURES SHALL BE SO CONSTRUCTED AND ARRANGED TO REFLECT LIGHT AWAY FROM ANY RESIDENTIAL DISTRICT AND MINIMIZE TO THE EXTENT POSSIBLE ANY ILLUMINATION BEYOND THE BOUNDARIES OF THE SITE ON WHICH THE LIGHTING IS LOCATED.~~

— AREA OF DEVELOPMENT	— MAXIMUM HEIGHT OF STANDARD
LESS THAN TWO (2) ACRES	— SIXTEEN FEET (16')
TWO (2) TO FIVE (5) ACRES	— TWENTY-FOUR FEET (24')
GREATER THAN FIVE (5) ACRES	— THIRTY-TWO FEET (32')

- ~~12.~~ **11.** All screening walls, fences and plant materials shall conform to corner lot line of sight limitations specified in Section ~~14-23A-8.C.~~ **14-20-11.D.**

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-11 Sign Design Criteria****14-23A-12 LIGHTING STANDARDS****Section 14-23A-11 Sign Design Criteria**

- A. Signage is regarded as an integral design element in the overall streetscape and the architectural character of individual buildings.

Monument and wall mounted signs are encouraged and pole signs shall be approved only when it can be shown that a monument sign is not feasible due to site limitations of area and/or line-of-sight interruptions for vehicular traffic. Roof-mounted signs are prohibited.

- B. All signs shall have an appropriate frame or border in keeping with the selected architectural style.
- C. All signs shall comply with Article 14-18, Sign Regulations.

SECTION 14-23A-12 LIGHTING STANDARDS**1. PARKING LOTS, WHICH MAY BE UTILIZED DURING HOURS OF DARKNESS, SHALL BE ILLUMINATED.****2. HEIGHT OF PARKING LOT POLES/STANDARD AND FIXTURES. THE MAXIMUM COMBINED OVERALL HEIGHT ABOVE GRADE OF PARKING LOT LIGHTS SHALL BE LIMITED AS FOLLOWS:**

<u>SITE AREA</u>	<u>MAXIMUM HEIGHT TO TOP OF LIGHT</u>
<u>LESS THAN TWO ACRES</u>	<u>SIXTEEN FEET (16')</u>
<u>TWO TO FIVE ACRES</u>	<u>TWENTY-FOUR FEET (24')</u>
<u>GREATER THAN FIVE ACRES</u>	<u>THIRTY-TWO FEET (32')</u>

3. ALL LIGHT FIXTURES SHALL HAVE A NINETY DEGREE HORIZONTAL CUTOFF TO MITIGATE LIGHT POLLUTION.**4. ALL LIGHTING FIXTURES SHALL BE SO CONSTRUCTED AND ARRANGED TO REFLECT LIGHT AWAY FROM ANY RESIDENCE OR RESIDENTIAL ZONING DISTRICT WHILE MINIMIZING TO THE EXTENT POSSIBLE ANY ILLUMINATION BEYOND THE BOUNDARIES OF THE SITE ON WHICH THE LIGHTING IS LOCATED.**

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-12 LIGHTING STANDARDS****14-23A-13 DEVELOPMENT REVIEW PROCEDURE**

ALL OUTDOOR LIGHT FIXTURES SHALL BE SITUATED OR SHIELDED TO PREVENT THE LIGHT SOURCE FROM BEING DIRECTLY VISIBLE FROM A PUBLIC STREET, ADJACENT RESIDENCE OR ADJACENT RESIDENTIAL ZONING DISTRICT. SHIELDED SHALL MEAN THAT FIXTURES ARE SHIELDED IN SUCH A MANNER THAT LIGHT RAYS EMITTED BY THE FIXTURE, EITHER DIRECTLY FROM THE LAMP OR INDIRECTLY FROM THE FIXTURE ARE PROJECTED BELOW A HORIZONTAL PLANE RUNNING THROUGH THE LOWEST POINT ON THE FIXTURE WHERE LIGHT IS EMITTED.

INCANDESCENT FIXTURES OF 150 WATTS OR LESS AND OTHER LIGHT SOURCES OF 70 WATTS OR LESS ARE EXEMPT FROM THE SHIELDING REQUIREMENT.

5. THE WATTAGE FOR EACH OUTDOOR LIGHT FIXTURE ON THE SITE SHALL BE INDICATED IN THE REQUIRED LIGHTING PLAN.

6. THE USE OF OUTDOOR MERCURY VAPOR LIGHTS IS PROHIBITED. THE USE OF EXISTING MERCURY VAPOR LIGHTS SHALL BE DEEMED ILLEGAL AFTER JANUARY 1, 2011.

7. OUTDOOR LIGHTING SHALL REFER TO ALL SOURCES OF LIGHT EITHER TEMPORARY OR PERMANENT USED FOR ILLUMINATION OR ADVERTISEMENT AND SHALL INCLUDE, BUT ARE NOT LIMITED TO ANY SEARCH, SPOT OR FLOOD LIGHT FOR BUILDINGS AND STRUCTURES, RECREATIONAL AREAS, PARKING LOT LIGHTING, LANDSCAPE LIGHTING, BILLBOARDS AND OTHER SIGNAGE AND STREET LIGHTING

9. THIS SECTION SHALL NOT APPLY TO NAVIGATIONAL LIGHTING SYSTEMS AT AIRPORTS.

Section 14-23A-13**Development Review Procedure****A. Staff Review:**

1. The initial review shall be coordinated by the Planning Department and shall include the recommendations of the Technical Review Committee, which may consist of the following:
 - a. Planning Director
 - b. Public Works Director
 - c. Town Engineer
 - d. Building Inspector

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-13 Development Review Procedure**

- e. Police Chief
- f. Fire Chief
- g. Electric Utility Representative
- h. Gas Company Representative
- i. Telephone Company Representative
- j. Arizona Department of Transportation
- k. Cable Company Representative

The Technical Review Committee is charged with reviewing the plans for compliance with applicable statutes, ordinances, and assisting the applicant.

2. Upon recommendation of the Technical Review Committee, the Planning Director may approve, conditionally approve, or disapprove plans for the following:
 - a. Signs or sign programs which conform to Article 14-18, Sign Regulations, and are consistent with the Heritage Area or the ~~TERRITORIAL~~ Southwestern TERRITORIAL Development Theme and are not part of a project which requires review by the Planning and Zoning Advisory Commission or Town Council.
 - b. Duplexes, triplexes, four-plexes which are not part of a project containing more than one (1) building.
 - c. Commercial structures which meet the requirements of all applicable ordinances and do not exceed 1,500 square feet in size.
3. The Planning Director may refer any application for Development Review directly to the Planning and Zoning Advisory Commission with or without a recommendation.

B. **PLANNING AND ZONING ADVISORY COMMISSION DEVELOPMENT REVIEW COMMITTEE** Review:

1. The ~~PLANNING AND ZONING ADVISORY COMMISSION DEVELOPMENT REVIEW COMMITTEE~~ shall review and approve, conditionally approve, or disapprove all applications for proposed projects not included in Subsection 14-23A-~~12~~. **13**. A above.
2. Any proposed plan shall be approved, conditionally approved or disapproved within forty-five (45) days after a completed application has been submitted to the ~~COMMISSION COMMITTEE~~, unless the applicant shall request such time be extended or it is determined by the Town that there are outstanding technical questions that require resolution by other agencies or utilities.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-13 Development Review Procedure**

- a. In order to approve any proposed plan, the Commission shall make the following Findings:

- {1} That the proposed plans are consistent with the Wickenburg General Plan.
- {2} That the proposed plans are consistent with the requirements of this Article, the Zoning Ordinance and all other applicable Code sections.

C. Modifications and Appeals:

1. The ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** may permit modifications to the minimum standards set forth in **SECTION ARTICLE 14-23A, EXCEPT PROHIBITIONS** where reasonably required by ~~THE LOCATION OR~~ unique circumstances ~~OF THE LOT, OR OF UNIQUE STRUCTURAL ELEMENTS REQUIRED BY PARTICULAR MANUFACTURING AND PROCESS INDUSTRIES ASSOCIATED WITH THE PROPOSED PROJECT.~~
2. In approving any modification, the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** shall make the following required findings. All findings shall be supported by verifiable evidence.

Required Findings:

- a. That the proposed modification(s) will yield a project design which is equally or more desirable in terms of function, aesthetics, view, and general appropriateness than that which would result by requiring strict adherence to the terms and regulations of this Article.
- b. That the proposed modification(s) ~~SHALL~~ **WILL** in no way impair the health, safety and welfare of future occupants of the proposed development, adjacent developments or residents of the Town of Wickenburg.
- c. That strict adherence to certain of the terms and regulations of this Article is not required in order to protect the property values of adjacent and nearby properties **AS WELL AS THE TOURIST BASED SECTOR OF THE ECONOMY.**
- d. That the proposed modification(s) is consistent with the policies and goals embodied in the *General Plan*.

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-13 Development Review Procedure**

3. In the event the applicant or any interested person is aggrieved by the decision of the Zoning Administrator, an appeal in writing, with the appropriate appeal fee as set by resolution of the Town Council, may be submitted to ~~THE PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** within fifteen (15) calendar days following the date of decision by the Zoning Administrator and within thirty (30) days following the filing of an appeal, the Planning and Zoning Advisory Commission shall affirm, modify, or reverse the decision of the Zoning Administrator.
 4. In the event the applicant or any interested person is aggrieved by the decision of the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE**, a written appeal accompanied by the appropriate fee as set by resolution of the Town Council may be submitted to the Town Council within fifteen (15) days following the date of decision by the Commission.
- D. Permits and Construction:
1. No permits for the construction of any building or structure shall be issued in any zoning district covered by this Article until the required plans have been approved by the Zoning Administrator or the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** or, on appeal by the Town Council.
 2. All buildings, structures, and grounds shall be developed in strict conformance with said plans as finally approved.
 3. Prior to the issuance of an Occupancy Permit for any building or structure subject to this Article, the entire project as defined by the approved plans shall be completed in its entirety.
 4. The Zoning Administrator may issue a Stop Work Order and the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW COMMITTEE** may, after a public hearing with notice to the permittee, revoke any approval given pursuant to this Article for non-compliance with any of the conditions imposed through the approval process. Such revocation shall be deemed revocation of the building permit. Written notice of intention to revoke shall be mailed to the permittee not less than fifteen (15) days before the ~~PLANNING AND ZONING ADVISORY COMMISSION~~ **DEVELOPMENT REVIEW**

ARTICLE 14-23A DEVELOPMENT REVIEW**14-23A-13 Development Review Procedure**

COMMITTEE hearing date. Said revocation may be appealed in the manner provided in Section ~~14-23A-12.C.~~ **14-23A-13.C.4.**

5. The Development Review approval is conditioned upon the rights or privileges acquired, thereby being utilized within one (1) year after the effective date of approval and should the rights or privileges not be executed or utilized within said year, or when a building permit has not been issued within said year, or when some form of construction work is involved which has not actually commenced within said year, or if so commenced but is not diligently pursued to completion, said approval shall automatically lapse except that if said utilization or construction has been delayed by the Town in approving plans, then the Zoning Administrator shall grant and record a commensurate extension. The Zoning Administrator may upon the request of the permittee for any cause, grant a reasonable extension of time in addition to the one-year period herein above provided. Such a request for extension shall be filed with the Zoning Administrator fifteen (15) days prior to the expiration of the one year approval period. Only one such extension shall be granted and said extension shall in no case exceed six (6) months.
6. For those construction or development projects, which do not require a building permit but are located in those areas covered by this Article, a Zoning and Development Review Certificate of Compliance shall be obtained from the Zoning Administrator prior to commencing work. Examples of such projects include: remodels, parking lots, walls, fences, signs, or other construction, which is visible from a public street or way.

An amendment shall also be made to **CHAPTER 8 – BUILDING**, ARTICLE 8-1 **BUILDING CODE**, specifically SECTION 8-1-8 **ENFORCEMENT** as follows:

SECTION 8-1-8 ENFORCEMENT

~~**IT SHALL BE THE DUTY OF THE TOWN ADMINISTRATION TO ADMINISTER AND ENFORCE THIS ARTICLE.**~~

SHALL BE AMENDED TO READ:

IT SHALL BE THE DUTY OF THE TOWN PLANNER OR TOWN MANAGER TO CERTIFY THAT ALL REQUISITE ZONING CLEARANCES AND APPROVALS HAVE BEEN ISSUED AND ARE IN ORDER PRIOR TO THE ISSUANCE OF ANY PERMIT FOR ANY ACTIVITY FOR WHICH A PERMIT IS REQUIRED. NOT

WITHSTANDING THE FOREGOING, THE TOWN PLANNER OR TOWN MANAGER MAY AUTHORIZE THE ISSUANCE OF AN EMERGENCY PERMIT IF THE WORK COVERED BY THE PERMIT IS INTENDED TO MITIGATE CONDITIONS WHICH MAY POSE A HAZARD OR THREAT TO THE HEALTH OR SAFETY OF PERSONS OR PROPERTY.

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 Severability

If any Section, subsection, sentence, cause, 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 remaining portions thereof.

Section IV. Providing for Penalties

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed three hundred dollars (\$300.00) or by imprisonment for a period not to exceed three (3) months or by 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 17th day of May 1999.

Dallas C. Gant, Mayor: 

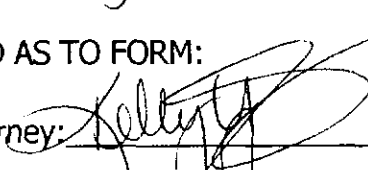
Date Signed: May 17, 1999

ATTEST:

Lori Bistodeau, Town Clerk: 

Date Signed: May 17, 1999

APPROVED AS TO FORM:

Town Attorney: 

Date Signed: May 17, 1999

Number of Councilmembers Present: 7Number of Votes For: 4Number of Votes Against: 3First Reading: N/ASecond Reading: N/A

Minutes of May 17, 1999, meeting of Mayor and Common
Council at which this Ordinance was approved, passed and adopted were certified on the
21ST day of May, 1999.

By Lori Bistodeau
Lori Bistodeau, Town Clerk