

ORDINANCE NO. 1043

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE TOWN OF WICKENBURG CODE BY AMENDING CHAPTER 11 SUBDIVISION, ARTICLE 11-3 PLATTING PROCEDURES AND REQUIREMENTS, SECTION 11-3-4 PRELIMINARY PLAT STAGE, SUBSECTION B PRELIMINARY PLAT REVIEW, PARAGRAPH 2 BY ADDING NEW PARAGRAPH i; AMENDING ARTICLE 11-4 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS, BY AMENDING SECTION 11-4-8 EASEMENT PLANNING; AMENDING ARTICLE 11-5 STREET AND UTILITY IMPROVEMENT REQUIREMENTS, SECTION 11-5-2 RESPONSIBILITY FOR IMPROVEMENTS, ALL TO ADD A REQUIREMENT TO SUBDIVISION PLATS THAT TRAILS FOR NON-MOTORIZED PURPOSES BE DEDICATED AND THAT THE LOCATION OF SUCH TRAILS BE REVIEWED BY THE TRAILS ADVISORY COMMISSION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

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

Section I. In General.

The Code of Wickenburg, Chapter 11 Subdivision, Article 11-3 Platting Procedures and Requirements, Section 11-3-4 Preliminary Plat Stage, Subsection B Preliminary Plat Review, Paragraph 2 by adding new Subparagraph i to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

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2. On receipt of the Preliminary Plat, the Planner shall distribute copies to:

* * *

- i. THE TRAILS ADVISORY COMMISSION FOR REVIEW OF LOCATIONS FOR NON-MOTORIZED TRAIL EASEMENTS.

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The Code of Wickenburg, Chapter 11 Subdivision, Article 11-4 Subdivision Design Principles and Standards, Section 11-4-8 Easement Planning, to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 11-4-8 Easement Planning

- A. Utility Easements. Easements for utilities shall be provided as follows:

I. GENERAL.

- 1a. Where alleys are provided – four feet (4') for aerial overhang on each side of alley, provided for by dedication but not delineated on plat.
- 2b. Where no alley is provided – six feet (6') on each side of rear lot lines.
- 3c. Along side lot lines – six feet (6') on each side of lot lines for distribution facilities and, when determined necessary by the public utility, one foot (1') on each side of lot lines for street lighting.
- 4d. Guy and anchor easements – one foot (1') on each side of a lot line and approximately thirty-five feet (35') in length measured from the rear lot line in locations designated by the public utility.

B2. Easement Design. For lots facing on curvilinear streets, utility easements or alleys shall usually consist of a series of straight lines with points of deflection not less than one hundred twenty feet (120') apart, said points of deflection always occurring at the junction of side and rear lot lines on the side of the exterior angle; however, curvilinear easements or alleys may be employed, providing that the minimum radii of centerlines are not less than eight hundred feet (800').

E3. DRAINAGE. Where an important surface drainage course abuts or crosses the tract, dedication of a public drainage way of a width sufficient to permit widening, deepening, relocating, or protecting such drainage course shall be required.

D4. USABLE LOT AREA. Land within a public street or drainage way, or land within an easement for major power transmission (tower) lines or pipelines shall not be considered a part of the usable lot area except where lots exceed one-half (1/2) acre in area; provided that this shall not be applicable to land included in utility easements for distribution or service purposes.

E5. NON-ACCESS EASEMENTS. Lots arranged to back to major streets, railroads or commercial or industrial districts, as provided in Section 11-4-4 (F), shall have a recorded non-access private easement one foot (1') wide along the rear lot line.

B. TRAIL EASEMENTS. EASEMENTS FOR TRAILS SHALL BE PROVIDED AS FOLLOWS:

1. **GENERAL. NON-MOTORIZED TRAIL EASEMENTS SHALL BE DEDICATED FOR NON-MOTORIZED PUBLIC USE.**

2. **REQUIREMENTS. TRAIL EASEMENTS SHALL BE REQUIRED ONLY IN EXISTING WASHES AND SUITABLE TERRAIN.**

The Code of Wickenburg, Chapter 11 Subdivision, Article 11-5 Street and Utility Improvement Requirements, Section 11-5-2 Responsibility for Improvements by amending Subparagraph A to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 11-5-2 Responsibility for Improvements

A. The planning, construction and financing of all required sidewalks, curbs, gutters, pavement, sanitary sewers, storm sewers, water mains, fire hydrants, drainage structures, TRAIL EASEMENTS and street lights shall be the responsibility of the subdivider and shall comply with public improvement standards approved by the Town. The Town will not consider allowing a subdivider to meet the requirements for this Section by participation in a Town Improvement District.

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Section II. Repeal of Conflicting Ordinance.

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.

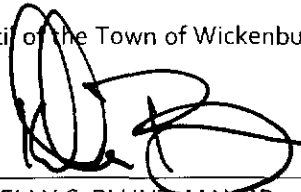
Section III. Providing for Severability.

If any section, subsection, sentence, 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. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be subject to penalty under Section 1-8 of the Town Code

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 15th day of June, 2009.


KELLY C. BLUNT, MAYOR

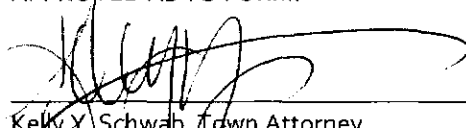
Date Signed: 6/15/09

ATTEST:


Donna Riffel, Town Clerk Donna Riffel

Date Signed: 6/15/09

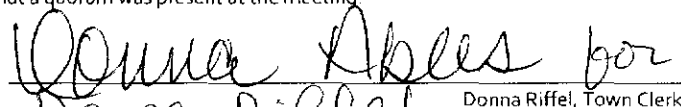
APPROVED AS TO FORM:


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

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1043 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 15th day of June 2009, and that a quorum was present at the meeting.


Donna Riffel, Town Clerk