

ORDINANCE NO. 882

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA AMENDING THE TOWN CODE, CHAPTER 11 SUBDIVISIONS, 11-5-6, LIFT STATIONS, SEPTIC TANKS AND WATER SUPPLY, B.6. BY AMENDING THE THRESHOLD STANDARD TO ALLOW SEPTIC TANKS IN SUBDIVISIONS HAVING A MINIMUM LOT SIZE AS RESTRICTED BY ZONING TO 175,000 SQUARE FEET; AND, C. TO AUTHORIZE THE USE OF SHARED WELLS IN SUBDIVISIONS HAVING A MINIMUM LOT SIZE OF 175,000 SQUARE FEET AS RESTRICTED BY ZONING UPON APPROVAL OF A FIRE PROTECTION PLAN BY THE FIRE CHIEF AND TOWN COUNCIL; SECTION 11-5-8 F. TYPE "F" DEVELOPMENT TO REDUCE THE MINIMUM LOT AREA IN TYPE "F" DEVELOPMENT FROM FIVE (5) ACRES TO 175,000 SQUARE FEET; AND, ADDING REQUIRED EASEMENTS IN SUBDIVISIONS APPROVED WITHOUT SEWER AND WATER; AND, FURTHER AMENDING CHAPTER 14 ZONING, SECTION 14-4-4 HEIGHT, YARD, AREA AND DENSITY REGULATIONS A. R1-5A BY REDUCING THE MINIMUM NET LOT AREA FROM FIVE (5) ACRES TO 175,000 SQUARE FEET, G. SUMMARY OF HEIGHT, YARD, AREA AND DENSITY REGULATIONS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS BY AMENDING THE MINIMUM NET SITE AREA FOR R1-5A FROM 5 ACRES TO 175,000 SQUARE FEET; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES.

WHEREAS, a person owning property in and around the Town of Wickenburg has requested adjustments in the regulations regarding the subdivision of land in the R1-5A Zoning District; and,

WHEREAS, the Town desires to provide options regarding the type and character of development that may occur within the corporate limits of the Town; and,

WHEREAS, the Town Council has found that providing an adequate fire suppression system is included with the subdivision of land into five acre parcels, that use of shared wells may be in the best interest of the environment by limiting the number of penetrations into the ground water table; and,

WHEREAS, the Town Council has found that the required infrastructure improvements may vary with the type, and density of development without adversely affecting the health, safety and general welfare of the residents of the Town of Wickenburg; and,

WHEREAS, the Town's single-family density standards as expressed in the Chapter 14 Zoning of the Town Code as minimum lot sizes are based on a net acre consisting of 35,000 square feet.

WHEREAS, the Town of Wickenburg has through its' Planning and Zoning Advisory Commission and Town Council conducted the Public Hearing's required by State Statute and the Wickenburg Town Code.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL of the Town of Wickenburg, County of Maricopa, State of Arizona as follows:

Section 1 In General

Chapter 11 SUBDIVISIONS of the Wickenburg Town Code is hereby amended as follows:

Section 11-5-6 – Lift Stations, Septic Tanks and Water Supply

B.6 Subdivisions with a minimum lot size of ~~five (5) acres~~ as restricted by zoning to 175,000 square feet, may utilize septic systems in accordance with “1” through “4” above “2” through “4” above.

C. That all subdivisions except those having a minimum lot size of ~~five (5) acres~~ 175,000 square feet as restricted by zoning shall be served by the Town's water system. ~~and each lot shall be served by an individual well.~~ Subdivisions that are restricted by zoning to a minimum lot area of 175,000 square feet may utilize SHARED private wells upon approval of a fire protection plan as recommended to the Town Council by the Fire Chief.

Section 11-5-8 – TYPE “F” DEVELOPMENT

F. All single-family residential subdivisions restricted by zoning to a minimum lot area of ~~five (5) acres~~ 175,000 square feet.

REQUIRED UTILITY IMPROVEMENTS

- 1. Sewage Disposal. Public system per adopted standard details and specifications, or SEPTIC SYSTEMS IN ACCORDANCE WITH ~~as other stipulated in~~ Section 11-5-6.**
- 2. Water Supply. Public system per adopted standard details and specifications or PRIVATE WELLS ~~as other stipulated~~ in ACCORDANCE WITH Subsection C. of Section 11-5-6.**
- 3. EASEMENTS. ALL SUBDIVISIONS THAT MAY BE APPROVED WITHOUT SEWER OR WATER IN ACCORDANCE WITH SECTION 11-5-6, B. AND C., OF THIS CODE SHALL PROVIDE NECESSARY UTILITY EASEMENTS AS DETERMINED BY THE TOWN ACROSS THE PROPERTY TO ACCOMMODATE FUTURE DEVELOPMENT AS IT MAY OCCUR ON ADJACENT OR NEARBY PARCELS.**
- 3. 4. Storm Drainage.....**

Section 14-4-4 - HEIGHT, YARD, AREA AND DENSITY REGULATIONS

A. R1-5A:

- 1. Minimum Net Lot Area ~~Five (5) Acres~~ 175,000 sq. ft.**

G. Summary of Height, Yard, Area and Density Regulations for Single Family Residential Districts:

District	R1-5A
Minimum Net Site Area	5 Acres 175,000 square feet

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.

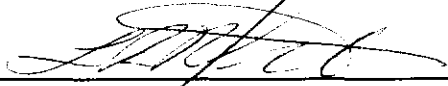
SECTION III. Providing For Severability

If any section, subsection, sentence, 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

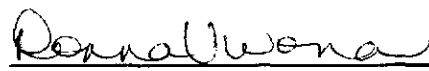
Any person found guilty of violating any provision of this Ordinance shall be subject to the violation and penalty provisions of Section 1-8 of the *Wickenburg Town Code*.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 6th day of May, 2002.



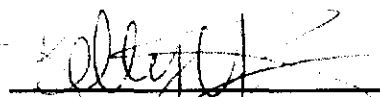
Lon R. McDermott, Mayor

ATTEST:



Donna Vivona, Town Clerk

APPROVED AS TO FORM:



Kelly Schwab, Town Attorney
Martinez & Curtis, P.C.

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

Date of Certification of Minutes of Council Meeting at which this Ordinance was adopted: May 8, 2002