

ORDINANCE NO. 07-32

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT ZONING MAP FOR APN'S 402-02-506M (part), 402-02-254C, 402-02-256H, 402-02-009B, 402-02-009C, 402-02-013, 402-02-13A, 402-02-014, 402-02-015, 402-02-016 FROM C2-4 AND R1-70 ZONING TO C2-4 on +/- 28 ACRES AT THE SOUTHEAST CORNER OF STATE ROUTES 69 AND 169.

WHEREAS, the Town of Dewey-Humboldt has adopted a Planning and Zoning Ordinance and Zoning Map to govern the development of property within the Town limits; and

WHEREAS, the Planning and Zoning Commission of the Town of Dewey-Humboldt has recommended adopting the requested Zoning Map change Z-01-07A; and

WHEREAS, this requested amendment has been properly noticed for public hearing and the necessary hearing was completed on May 1, 2007; and

WHEREAS, the adopted Planning and Zoning Ordinance for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

Section 1: Adoption of an amendment to the Town of Dewey-Humboldt Zoning Map. The Town of Dewey-Humboldt Zoning Map, a copy of which is on file with the Town Clerk, is hereby amended with stipulations as listed in Exhibit "A".

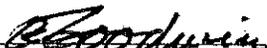
Section 2: Acceptance of the Legal Description in Exhibit "B".

Section 3: Concept Plan dated March 8, 2007 as Exhibit "C".

Section 4: Village Marketplace Application dated March 8, 2007 as Exhibit "D".

Section 5. Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Town Planning and Zoning Ordinance and the provisions of Ordinance No. 07-32.

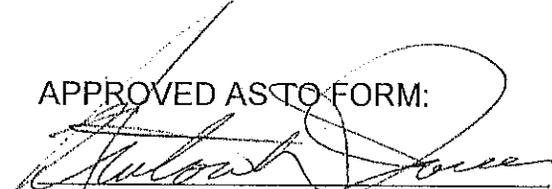
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 17th day of July, 2007.


Earl Goodwin, Mayor

ATTEST:


Debbie Gifford, MMC Town Clerk

APPROVED AS TO FORM:


Kenton D. Jones, Town Attorney

ORDINANCE NO 07-32**EXHIBIT "A"**

The following stipulations accompany the approval of Z-01-07A:

Planning

1. Compliance with Laws. Development shall comply with all applicable federal, state, county and Town laws and regulations.
2. Master Plan. Development shall be in general conformance with the Master Site Plan.
3. Preservation of Trees. In the planning and development of the Project, Applicant shall use its reasonable best efforts to preserve all pre-existing large trees. Trees of over 8-inches in diameter that are destroyed during the construction process shall be replaced with a tree of equal diameter or with at least one 36-inch box tree.
4. Maximum Density. In no case shall more than 50 residential units be developed within the Project.
5. Maximum Commercial Square Footage. Maximum retail and business square footage shall not exceed 280,000 square feet.
6. Assured Water Supply. The maximum unit count for any platted residential component of the Project is subject to the Applicant's demonstration of a 100-year assured water supply. A Certificate of Assured Water Supply must be obtained from the Arizona Department of Water Resources (ADWR) prior to the approval of any final plat, and is the responsibility of the applicant.
7. Site Built. All commercial and residential buildings within the Project shall be "site built". No manufactured homes shall be permitted.
8. Platting and Improvements. Preliminary and final plats, and improvement plans for any platted residential components of the Project shall be submitted to the Town for the review and approval as dictated by all Town ordinances applicable thereto at the time of such submittals.
9. Development Standards. Proposed setbacks and other commercial and residential lot standards shall be in conformance with the Town's zoning ordinance and specifically recited on the site plan(s), preliminary and/ or final plats for each residential and commercial area within the Project.
10. CC&R's and Association. Draft covenants, conditions and restrictions (CC&R's) for the residential components of the project shall be submitted with

the first preliminary plat application and shall be recorded concurrent with the recording of the initial final plat. Applicant shall cause an owners association to be formed, which will be responsible for the maintenance of all common areas, including all internal streets within the residential component.

11. Design Guidelines. Design guidelines for the commercial area inclusive of any integrated commercial/ residential buildings will be submitted with the initial commercial area site plan. Design guidelines for any stand alone residential development will be submitted with the initial preliminary plat. Design guidelines submitted pursuant to this paragraph shall include, without limitation (a) fencing standards designed to minimize the visual impact of any permitted boundary or security fencing, (b) a comprehensive sign package for residential and commercial components of the Project, (c) building elevation guidelines which are generally consistent with the “theme” represented in the application packet and public presentations for this rezoning; all of which shall be subject to approvals required under the Town’s established commercial site plan and platting approval processes.
12. Commercial Area Site Plan. A site plan and improvement plans for all commercial development within the Project shall be submitted to the Town for the review and approval as dictated by all Town ordinances applicable thereto at the time of such submittal.
13. Non-Permitted Commercial Uses. Notwithstanding the C-2 zoning designation to be applicable to the Project, certain uses outlined in **Appendix A** to these Stipulations shall be prohibited.

Engineering/ Construction

1. SR 169 Intersections. All future Project roadway intersections with SR 69 shall be as approved by A.D.O.T. and the Town.
2. Roadway Dedications. Applicant is responsible for the dedication of and improvements to additional rights-of-way along State Route 169 (if necessary) and rights-of-way for public roads within the Project in accordance with the approved traffic impact study.
3. Roadway Construction. Applicant is responsible for the construction of required Project roadway improvements which may include paving, curb and gutter, sidewalks, underground utility extensions and drainage. All roads will be constructed in conformance with Town road specifications.
4. Road Names and Addresses. Road and street names and addresses shall conform to Yavapai County and 911 Emergency Response Standards and Criteria.
5. Platting/ Site Plan Submittals. Applicant shall submit master water, wastewater, traffic, drainage/hydrology, flood protection and erosion control plans prepared by a registered engineer licensed to practice in Arizona prior to, or concurrently with each preliminary plat and site plan application.

6. Domestic Water. Applicant shall install a domestic water system including wells, pipelines, and water storage and pressurizing facilities to serve the Project which shall be operated and maintained by or through the owners' association, a private water company or other qualified water service provider. The Town shall reasonably cooperate (at no out-of-pocket expense to the Town) with Applicant in any effort by Applicant to secure ownership, operation and maintenance of the water system in a qualified operator other than the owner's association.
7. Wastewater. Applicant will install a wastewater collection and treatment system to serve the entire Project, which shall be operated and maintained by or through the homeowners' association or other qualified wastewater management provider. The Town shall reasonably cooperate (at no out-of-pocket expense to the Town) with Applicant in any effort by Applicant to secure ownership, operation and maintenance of a wastewater system in a qualified operator other than the homeowner's association. The exterior design of any on-site treatment facility should be consistent with the architectural character of the neighborhood.

In the event that Rezoning Case Z 07-01B is not approved, Applicant may develop all or part of Parcel A with wastewater treatment to be provided through septic or similar alternative systems until such time that a centralized wastewater treatment system is available.

8. Utilities. The cost of providing utilities required to serve the Project shall be responsibility of the Applicant. All Utilities shall be underground from the perimeter property line.

Environmental

1. Dark Sky. The development will comply with applicable "dark sky" ordinance (Dewey-Humboldt Zoning Ordinance Chapter 603). Additionally, all residential lighting shall be shielded and pointed downward.
2. Common Area Maintenance. Maintenance and preservation of designated common areas shall be the responsibility of the applicant or subsequent owners association(s)
3. Flood Control. Applicant shall be responsible for complying with all Town, county, state and federal flood control and storm water management regulations including obtaining any necessary AZPDES and 404 Permits.

APPENDIX A**Non-Permitted Uses – Parcel A:****C-2 District [Commercial; General Sales and Services]**

Note: The following text is “verbatim” language from the Town ordinance for the C-2 District. Uses that will not be permitted The Marketplace at The Village at Young’s Farm are indicated by “strike through” text [i.e.: ~~strike through text~~].

- A. All principal and accessory uses permitted in any more restrictive Zoning District; and providing further that unless specifically provided to the contrary the following are waived:
 - 1. Requirements for Use Permits/Administrative Reviews [except for lots contiguous to Residential Districts].
 - 2. Area limitations for uses and buildings.
 - 3. Limitations on hours of operation.
- B. Sales [retail and wholesale] and rentals.
- C. Commercial parking facilities.
- D. Bars, tap rooms and nightclubs.
- E. Theaters, auditoriums, banquet and dance halls.
- F. Dancing, art, music, business and trade schools [including permission for public recitals, concerts and dances].
- G. Commercial bath and massage.
- H. ~~Frozen food lockers.~~
- I. ~~Custom craft and service shops, limited to five thousand [5,000] square feet of shop floor area. Cleaning and dyeing limited to closed unit machines with self-contained transmission and using solvents, shampoos, detergents and other agents of chlorinated solvent type and having a rating of five [5] or under by Underwriters Laboratories Inc.~~
- J. Bowling alleys and poolrooms.
- K. Water distillation and bottling for retail sales only, limited to five thousand [5,000] square feet of shop floor area.
- L. ~~Mortuaries [loading, unloading and automobile stacking for processions confined to mortuary premises].~~
- M. Vending for on or off-site consumption of foods, confections, non-intoxicating drinks [and other refreshments] through openings in buildings [no such vending allowed within three hundred feet [300’] of a public or parochial grade or high school].
- N. ~~General repair of automobiles, light trucks, recreational vehicles, cycles, and small stationary or portable machinery entirely within enclosed buildings or attached enclosures of solid material at least six feet [6’] in height: subject to performance criteria set out in Section 585 [Vehicle & Portable Machinery Repair].~~

- O. ~~General sales of new and used automobiles, light trucks, recreational vehicles, travel trailers, mobile homes, boats, boat trailers, utility trailers, motorcycles, ATV's [All Terrain Vehicles], bicycles and small stationary or portable machinery within enclosed buildings. Outside display of such vehicles or similar merchandise shall be permitted subject to performance criteria set out in Section 561 [Outside Display - Commercial]~~
- P. Veterinary clinics and hospitals for the diagnosis and treatment of household pets and other small animals under one hundred [100] pounds, entirely within an enclosed building not exceeding three thousand [3,000] square feet. Boarding of animals incidental to their diagnosis or treatment shall be permitted provided that:
1. The boarding area is entirely within the same building as the clinic or hospital and does not exceed fifty percent [50%] of the total floor area; and,
 2. The boarding area is either completely sound proofed or is no closer than three hundred feet [300'] to any contiguous parcel of property. No on-site incineration shall be permitted.
- Q. Pet shops within enclosed buildings not exceeding one thousand five hundred [1,500] square feet for the display and sale of household pets and other small animals, under one hundred [100] pounds, provided that:
1. The pet shop is either completely soundproofed or is no closer than three hundred feet [300'] to any contiguous parcel of residential property zoned or used for residential purposes.
 2. No on-site incineration shall be permitted.
- R. Signs: See Section 601 [Sign Code].
- S. ~~Self-Service Storage Facilities: See Section 573 [Self-Service Storage Facilities]~~

Yard Requirements: Same as for C1 District.

Building Heights: In accordance with Section 516 [Density Districts].

Building Density: In accordance with Section 516 [Density Districts].

EXHIBIT "B"
LEGAL DESCRIPTION

YOUNG'S FARM
COMMERCIAL SITE

That portion Sections 2, 3, 10 and 11 all lying within Township 13 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the a GLO Brass cap located at the southwest corner of said Section 2 from which a brass cap located at the west quarter corner of said Section 2 bears North 00 degrees 14 minutes 32 seconds West a distance of 2644.49 feet;

Thence along the west line of said Section 2, North 00 degrees 14 minutes 32 seconds West a distance of 571.46 feet to the southerly right of way line of SR 169 as shown in plans for Project No. S-447-701, Drawing D-13-T-383 and the **POINT OF BEGINNING**;

Thence along said southerly line South 64 degrees 06 minutes 11 seconds East, a distance of 37.54 feet;

Thence continuing along said southerly line South 88 degrees 00 minutes 00 seconds East, a distance of 221.82 feet to the westerly line of "Sierra Dells" according to the plat of record in Book 17 of Maps, pages 1 and 2, records of Yavapai County, Arizona;

Thence along said westerly line South 36 degrees 44 minutes 01 seconds East, a distance of 508.64 feet;

Thence continuing along said westerly line South 36 degrees 44 minutes 36 seconds East, a distance of 173.27 feet;

Thence continuing along said westerly line South 44 degrees 20 minutes 12 seconds East, a distance of 115.29 feet;

Thence leaving said westerly line, South 75 degrees 04 minutes 18 seconds West a distance of 1584.69 feet to the easterly right of way line of SR69 as shown on plans for Project No. STP-029-1(13), Drawing No. D-13-T-432;

Thence along said easterly right of way line the following five (5) courses;

Thence North 14 degrees 55 minutes 42 seconds West, a distance of 175.01 feet;

Thence North 16 degrees 19 minutes 05 seconds West, a distance of 300.17 feet;

Thence North 18 degrees 18 minutes 50 seconds West, a distance of 200.51 feet;

Thence North 71 degrees 28 minutes 44 seconds East, a distance of 75.00 feet;

Thence North 18 degrees 42 minutes 31 seconds West, a distance of 114.95 feet;

Thence leaving said easterly right of way line and along the south line of lands described in Deed Book 3725, page 339 and Book 3577, page 771, both records of Yavapai County and the easterly prolongation thereof North 89 degrees 29 minutes 00 seconds

Plan Summary (Proposed)

Parcel Number	Proposed Zoning	Approx. Acres	Density Units/Floor Area	Proposed Use(s)
A	C-2	± 28 Acres	± 500,000 SF 50 Units	Retail / Business
B.1	P.A.D.	± 12 Acres	± 120,000 SF	Retail / Business
B.2	P.A.D.	± 298 Acres	45 Units - River Lots - North Lots - South Lots	35,000-110,000 S.F. 22,000 S.F. (Minimum) 35,000 S.F. (Minimum)
B.3	P.A.D.	± 15 Acres	75 Units	Cottage Homes
Totals		± 314 Acres	± 600,000 SF 200 Units	Retail / Business Residential

Note: Site plan shows a conceptual and does not reflect the revised lot sizes and unit count proposed in the Plan Summary (Proposed) table above. It is to use and the total number of units density approved by the Dewey-Humboldt City Council.

Existing Zoning:

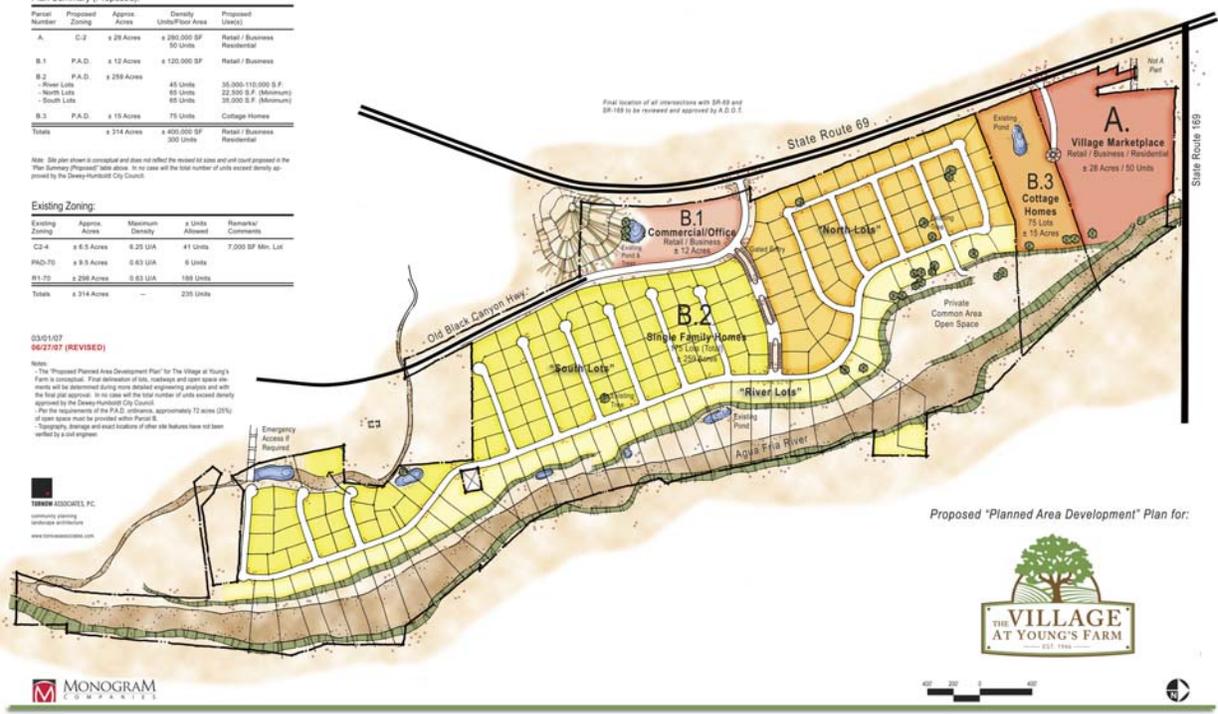
Existing Zoning	Approx. Acres	Maximum Density	Units Allowed	Remarks/Comments
C2-4	± 6.5 Acres	8.25 U/A	41 Units	7,200 SF Min. Lot
PAO-70	± 9.5 Acres	8.83 U/A	8 Units	
W1-70	± 268 Acres	9.83 U/A	188 Units	
Totals	± 314 Acres		235 Units	

03/01/07

06/21/07 (REVISED)

Note:
 - The "Proposed Planned Area Development Plan" for The Village at Young's Farm is conceptual. Final delineation of lots, setbacks and open space elements will be determined during more detailed engineering analysis and with the final plan approval. It is to show and the total number of units density approved by the Dewey-Humboldt City Council.
 - For the requirements of the P.A.D. ordinance, approximately 7% area (22%) of open space must be provided within Parcel B.
 - Topography, drainage and exact locations of other site features have not been verified by a civil engineer.

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 community planning
 website: www.thomashodgkins.com
 www.thomashodgkins.com



Proposed "Planned Area Development" Plan for:



