

ORDINANCE NUMBER 05-12

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING SECTION 16-1-4(B) OF THE MARICOPA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE ZON 05.09 AND PAD 05.07 FOR THE DEVELOPMENT OF APROXIMATELY 908 ACRES GENERALLY LOCATED ALONG THE SOUTH SIDE OF THE MARICOPA-CASA GRANDE HIGHWAY FROM ½ MILE WEST OF WHITE & PARKER ROAD TO HARTMAN ROAD AND THE SOUTHERN MOST BOUNDARIES OF THE SANTA ROSA WASH AND THE AK-CHIN INDIAN COMMUNITY. THESE PARCELS OF LAND ARE LOCATED IN SECTION 1, TOWNSHIP 5 SOUTH, RANGE 3 EAST, SECTIONS 6, 7 AND 8, TOWNSHIP 5 SOUTH, RANGE 4 EAST IN PINAL COUNTY, ARIZONA, WHICH IS KNOWN AS EAGLE WING MASTER PLANNED COMMUNITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF MARICOPA, PINAL COUNTY, ARIZONA AS FOLLOWS

Section 1: That Section 16-1-4(B) of the Maricopa City Code is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case ZON 05.09 and PAD 05.07, signed by the Mayor and City Clerk, which is attached to this Ordinance as Exhibit "1" and declared a part hereof.

Section 2: The Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions to said rezoning:

1. That Eagle Wing be developed in conformance with the City's zoning requirements consisting of CR-3 (Single Family Residential), CR-2 (Single Family Residential), CB-2 (General Business), CI-1 (Industrial), and TR (Transitional) uses.
2. That Eagle Wing, which is within the Small Area Transportation Study boundaries, be developed in accordance with all recommendations of the final Implementation Plan as approved by the City.
3. That owner/applicant, at the time of Preliminary Plat, submit a Traffic Impact Analysis for the proposed development to be approved by the Director of Public Works or City Engineer.
4. That applicant work with the City to ensure land use concerns with regard to the City's General Plan are incorporated in to the development of Eagle Wing to the best of its ability.
5. That all roadway improvements including traffic signals, drainage and infrastructure improvements be in accordance with the current City Standards and/or subsequent standards that are developed by the City,

as approved by the Director of Public Works or City Engineer and installed by the developer.

6. That, if the proposed impact fees are adopted by the City, developer shall pay the impact fees in accordance with the City Code, as amended from time to time.
7. That at the time of Preliminary Plat, applicant shall submit and secure all required applications, plans, supporting document submittals, approvals and permits from the applicable and appropriate Federal, State, County and Local regulatory agencies; and no Preliminary Plat shall be larger than what can be Final Platted and recorded within a two (2) year time period.
8. That minimum Front Yard setbacks shall be 20' from back of sidewalk and 10' to livable on all CR-3 Single Residence Lots.
9. That prior to Preliminary Plat approval, applicant/owner shall provide written verification from the Maricopa Fire District that fire hydrant location and applicable fire service concerns/ issues have been resolved to the satisfaction of the Fire District.
10. That applicant shall ensure that a minimum of fifteen percent (15%) of the approved Eagle Wing remains in useable open space.
11. That the Eagle Wing PAD shall be limited to an overall density not to exceed 3.5 units per gross acre, except that the mixed use parcels may have up to 20 units per acre if they develop as multifamily.
12. That applicant shall submit landscape plans to the City for review and approval prior to Final Plat approval.
13. That developer/owner shall continue to work with the City to develop the Maricopa Trail & Park Plan and shall incorporate the approved Maricopa Trail and Park Plan into the overall design of the Eagle Wing PAD and developer/owner shall be responsible for the construction of the improvements of those portions of the Maricopa Trail and Park Plan within the overall PAD.
14. That developer shall continue to work with the City and other landowners within the flood plain area of the Santa Rosa Wash to develop an agreement as to the specific improvements, timing of construction, and proportionate cost share of the improvements and development of the Santa Rosa Wash portion of the Maricopa Trail and Park Plan.
15. That prior to Final Plat approval, a document giving notice of the existence of agricultural uses and concentrated animal feeding operations ("CAFO") acceptable to the City Attorney shall be submitted to the Planning Department; that the document shall describe the uses in separate paragraphs, shall state that the residential units are located in

an area that may be impacted by the potential visual and physical impacts of the existing agricultural uses and CAFO's that are within close proximity to the development, shall include a place for the purchaser's signature acknowledging the notice, and shall be made part of the closing documents and purchase contracts for each residential units sold in the developable areas.


16. That prior to Preliminary Plat, applicant shall provide written verification from the Maricopa Unified School District #20 and the Casa Grande Unified School District that applicable school concerns/issues have been resolved to the satisfaction of the School District.
17. That all property included in the legal description of Eagle Wing be subject to a Declaration of Restrictions and Covenants acceptable to the City which shall, among other things, provide for: formation of a single "master" property owner's association, assessment of all members of the master association for the cost of maintaining all common areas, and specific notice of surrounding land uses; and approval of the Declaration shall be obtained from the City Planning Department prior to the recordation of the first plat for any portion of the planned development.
18. That if features of archeological or historical interest are encountered or unearthed during construction, that developer stop work in the immediate vicinity of such feature, protect it from damage or disturbance and report promptly to the City; and developer shall not resume construction in the immediate vicinity of the feature until it is advised by the appropriate jurisdictional authorities that study or removal of the feature or features have been completed.
19. That applicant shall provide a written statement from the Arizona State Historical Preservation Office that there are no cultural, archeological or historical resources evident on the site at the present time and said written statement shall be provided to the Planning Department as part of the documentation required to process any Final Plat for the Eagle Wing Master Planned Development.
20. That any major amendment to the PAD shall be processed by the City's Planning Department as a new application in accordance with City Regulations; and a major amendment shall be defined as including, but not limited to: a 10% deviation in parcel size, alteration for the height, coverage, square footage, external appearance, or use of any building or structure; any significant or substantial rearrangements of such buildings or structures; any change in the residential units' density, ownership pattern, or significant lot dimensions; any alteration of landscaped areas, public access spaces, recreation area, or other amenities; any change in phasing or timing; any alteration to the utilities to be provided to the PAD. The Planning Department shall, in cases of question, determine whether a change shall be designated as major or minor.

21. That applicant work with the City in encouraging proposed developments within Eagle Wing to adhere to the comprehensive design guidelines established through its PAD request; and design guidelines shall be submitted to the Planning Department for review and approval by the Planning and Zoning Commission.
22. That applicant develop the above-described property in accordance with its application and supporting submittal documents approved by the City.
23. That applicant is to continue working with the Ak-Chin Indian Community, City of Maricopa, Pinal County, and adjacent industrial properties to establish an appropriate buffer between the Eagle Wing development and existing land uses.

Section 3: To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

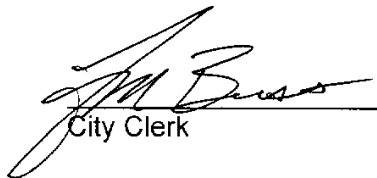
PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 20th day of September, 2005.

APPROVED:



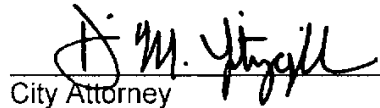
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



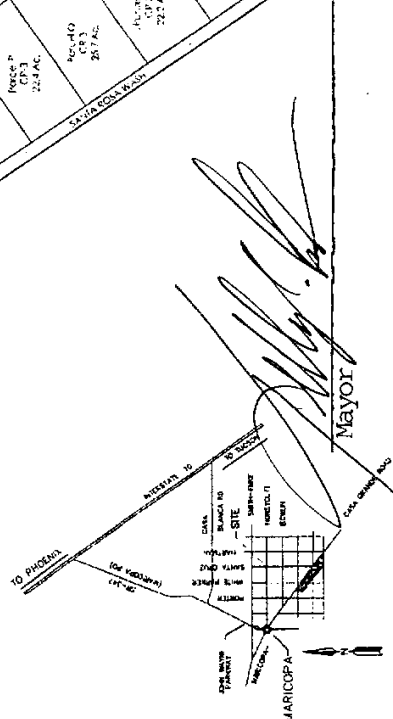
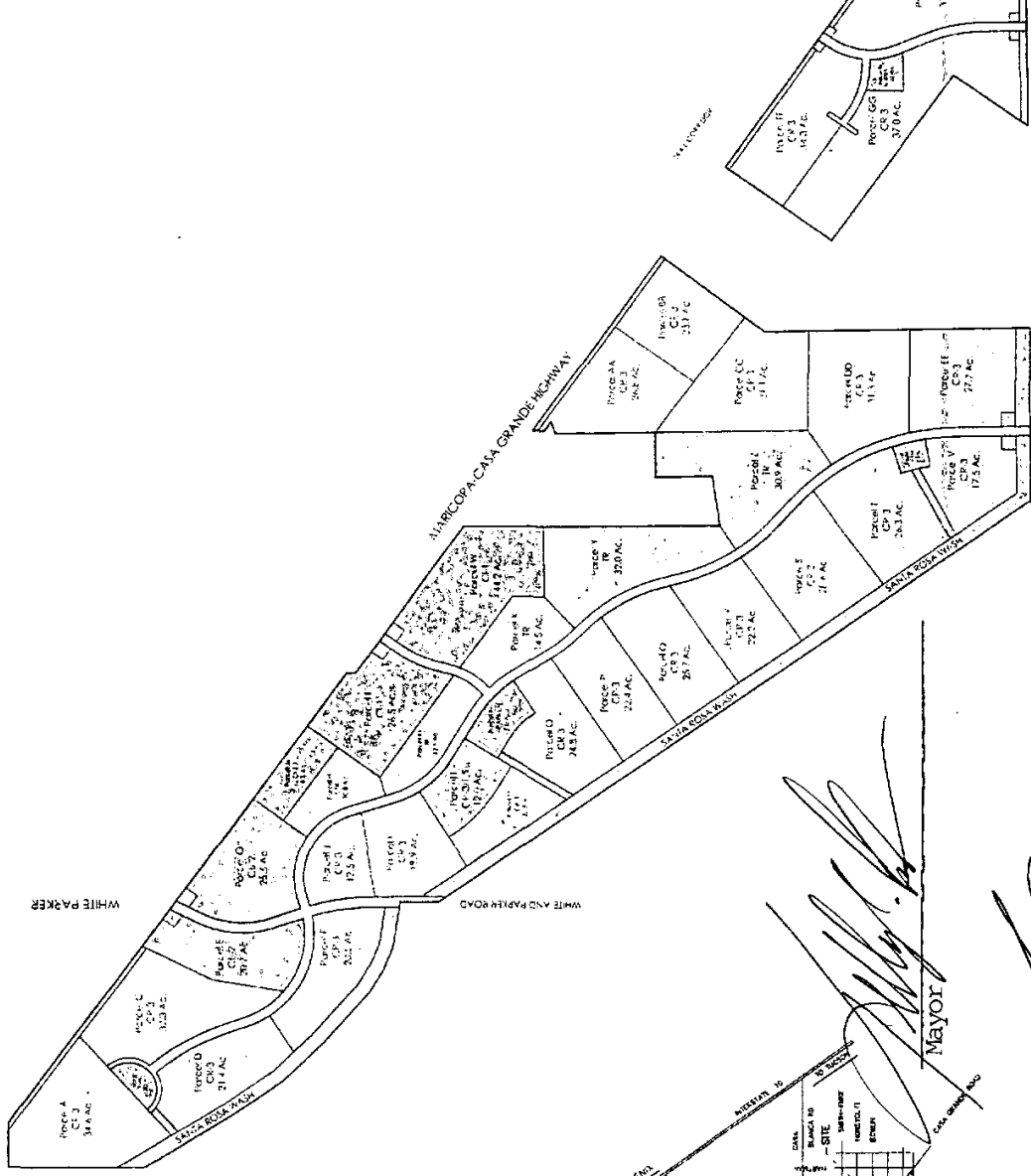
City Attorney

EXHIBIT "1"

FARRELL RD.

Zoning	Land Use	Gross Acres
CR3	Single Family Residential	31.6
CR3	Single Family Residential	13.3
CR3	Single Family Residential	21.4
CR3	Single Family Residential	29.7
CR3	Single Family Residential	29.5
CR3	Single Family Residential	23.0
CR3	Single Family Residential	29.4
CR3	Single Family Residential	12.1
CR3	Single Family Residential	19.6
CR3	Single Family Residential	12.0
CR3	Single Family Residential	24.0
CR3	Single Family Residential	22.4
CR3	Single Family Residential	29.7
CR3	Single Family Residential	23.2
CR3	Single Family Residential	29.6
CR3	Single Family Residential	27.3
CR3	Single Family Residential	17.5
CR3	Single Family Residential	44.2
CR3	Single Family Residential	14.5
CR3	Single Family Residential	33.0
CR3	Single Family Residential	26.8
CR3	Single Family Residential	23.1
CR3	Single Family Residential	31.3
CR3	Single Family Residential	34.3
CR3	Single Family Residential	31.0
CR3	Single Family Residential	31.1
CR3	Single Family Residential	37.1
CR3	Single Family Residential	12.5

Land Use Totals	Acres
Single Family Residential	697.7
Elementary School	12.0
Commercial	45.3
Light Industrial	19.8
Private Use	100.7
Total Acreage	915.5



Mayor

[Signature]
City Clerk

Eagle Wing

Exhibit D
Land Use Plan

NOT TO SCALE