

ORDINANCE NUMBER 05-13

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 DESCRIBED IN PAD 05.09. THE PROPERTY IS GENERALLY LOCATED ALONG THE NORTH SIDE OF THE MARICOPA-CASA GRANDE HIGHWAY FROM WHITE & PARKER ROAD TO PETERS AND NALL ROAD AND ON THE NORTH SIDE OF PETERS AND NALL ROAD TO ½ MILE EAST OF MURPHY ROAD AND THE NORTHERN MOST BOUNDARY IS HONEYCUTT ROAD, IN PINAL COUNTY, ARIZONA, KNOWN AS EAGLE SHADOW MASTER PLANNED DEVELOPMENT.

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 PAD 05.09 Eagle Shadow MPD Amendment, signed by the Mayor and City Clerk, which is attached to this Ordinance as Exhibit "1" and declared a part hereof.

Section 2: PAD 05.09 Eagle Shadow MPD Amendment and the Official Supplementary Zoning Map attached hereto is adopted subject to compliance with the following conditions to said rezoning:

1. That Single Family Residential (CR-3) zoning be removed from parcel "A" and Parcel "B" and replaced with Transitional (TR) zoning and that the applicant shall submit a revised Land Use Plan exhibit reflecting this change.
2. That development of Eagle Shadow shall be in conformance with the City's zoning requirements consisting of CR-3 (Single Family Residential), CR-2 (Single Family Residential), CB-2 (General Business), and TR (Transitional) uses.
3. That applicant shall work with the City to ensure land use concerns with regards to the City's General Plan are incorporated in to the development of Eagle Shadow to the best of its ability.
4. That Eagle Shadow, which is within the Small Area Transportation Study boundaries, shall be developed in accordance with all recommendations of the final Implementation Plan as approved by the City.
5. 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.

6. That owner/applicant, at the time of Preliminary Plat, shall submit a Traffic Impact Analysis for the proposed development to be approved by the Director of Public Works or City Engineer.
7. That all public roadway and infrastructure improvements shall 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.
8. That developer/owner will coordinate with the City's Public Works Department in addressing circulation between this proposed PAD and adjacent PAD's both current and proposed.
9. That a letter of map revision from FEMA is required in order to remove this property from the flood plain and eliminate any potential flooding risk.
10. That at the time of Preliminary Plat, the 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.
11. That prior to Preliminary Plat approval, the 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 Maricopa Fire District.
12. That applicant shall ensure that a minimum of fifteen percent (15%) of the approved Eagle Shadow Master Planned Community remains in useable open space.
13. That the Eagle Shadow PAD shall be limited to an overall density not to exceed 3.5 units per acre; except that the TR (Transitional) parcels may have up to 20 units per acre if they develop as multifamily.
14. That since this development is within the area of the Maricopa Trail & Park Plan comments of compliance on overall design from the Parks, Recreation and Libraries Director prior to Final Plat approval must be received.
15. That applicant shall submit landscape plans to the City for review and approval prior to final plat approval.
16. That prior to Preliminary Plat, applicant shall provide written verification from the Maricopa Unified School District #20, the Casa Grande Elementary School District and the Casa Grande High School district that applicable school concerns/issues have been resolved to the satisfaction of the School District.

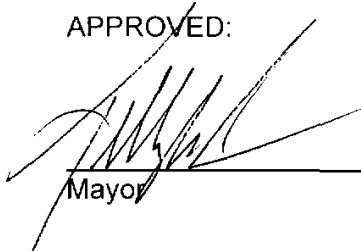
17. That off street parking for parks not adjacent to school sites shall be provided in a location to be determined with final design subject to approving agency review.
18. That all of the property included in the legal description of Eagle Shadow be subject to a Declaration of Restrictions and Covenants 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.
19. That applicant/owner grant an Agricultural Spray Easement to adjacent farm owners/operators and that said Agricultural Spray Easement be referenced in the recorded CC&R's and referenced in the notes section on the preliminary and final PAD plat(s).
20. That prior to Final Plat approval of the Eagle Shadow PAD, a document giving notice of the existence of agricultural uses acceptable to the City Attorney shall be submitted to the Planning Department, and such document shall describe the uses in separate paragraphs, 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 unit sold in the developable areas.
21. 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; A major amendment shall be defined as including, but not limited to: 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.
22. That applicant work with the City in encouraging proposed developments within the Eagle Shadow Master Planned Community to adhere to the comprehensive design guidelines established through its PAD request.
23. That applicant develop Eagle Shadow in accordance with its application and supporting submittal documents approved by the City.
24. The 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 Eagle Shadow development and existing land uses.

25. That applicant include a location for a place of worship within the Eagle Shadow Master Plan Community.

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.

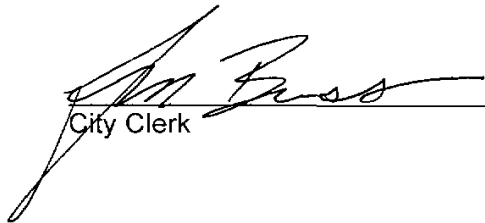
PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 27th day of September, 2005.

APPROVED:



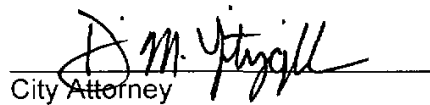
Mayor

ATTEST:



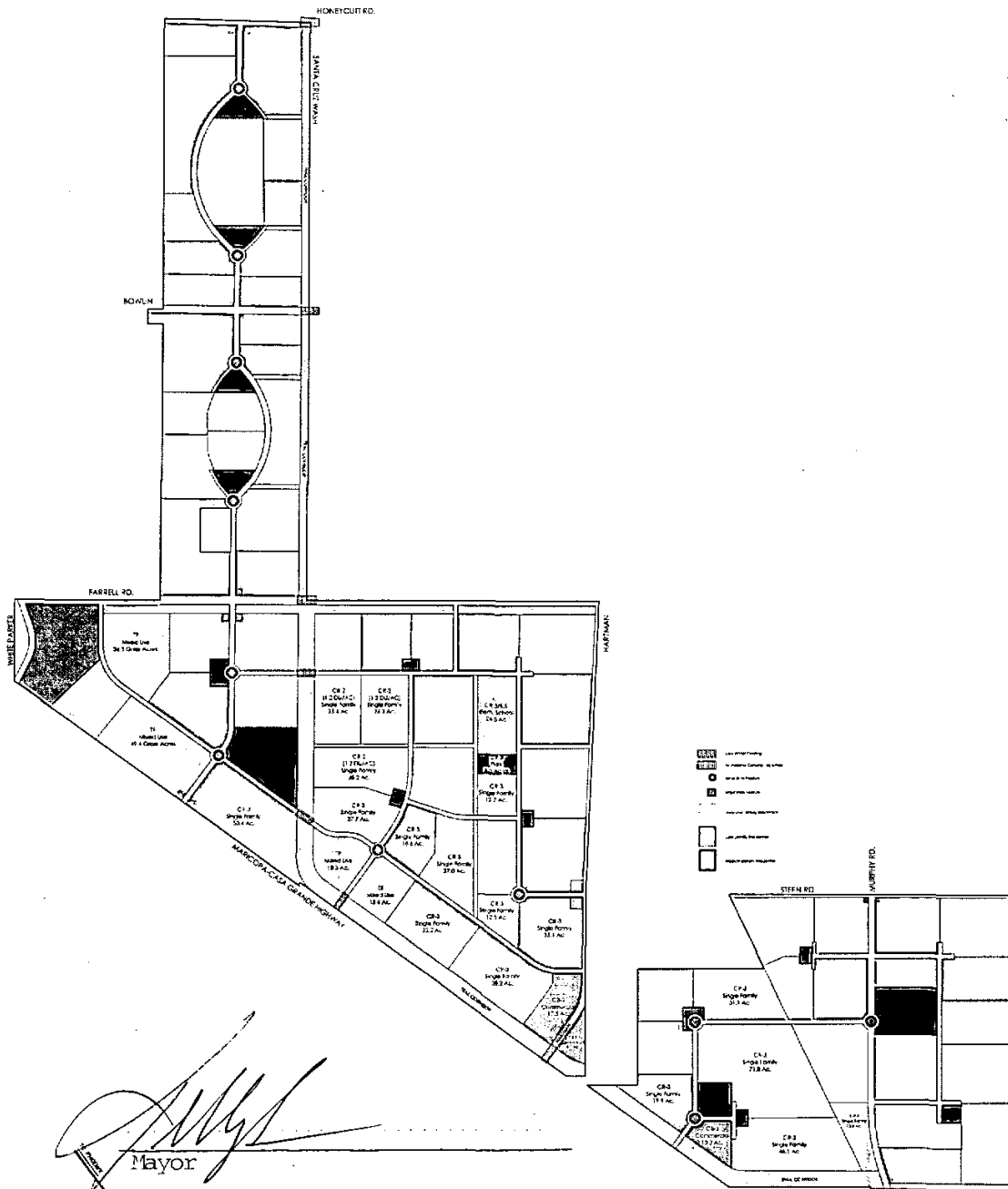
City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "1"



[Signature]
 Mayor

[Signature]
 City Clerk

Eagle Shadow
 Revised: September 20, 2005

Exhibit E
 Land Use Plan

NOT TO SCALE ↑