

Exhibit 3

Draft Ordinance

ORDINANCE NO. 2016-32

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM GENERAL AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) DISTRICT FOR A DEVELOPMENT KNOWN AS TOWNLEY PARK; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on October 20, 2016 in zoning case Z16-0002 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from General Agricultural (AG) to the Townley Park Planned Area Development (PAD) zoning district as provided in Section 14-33 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on September 30, 2016; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A, and B to this Ordinance is hereby rezoned from General Agricultural (AG) to the Townley Park Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The Proposed development shall conform to the Townley Park PAD Standards & Guidelines Report dated August 18, 2016.
2. The development shall be limited to a maximum of forty (40) residential lots.

3. The Developer shall submit a resolution narrative for construction of the south perimeter wall prior to Preliminary Plat approval. This resolution is to provide the following:
 - a. Submission of final wall designs, including final cross-view drawings showing maximum height of the wall on both sides from adjacent grade.
 - b. Structure & design of wall shall meet all final Planning & Engineering requirements, and be in accordance with Article 14-3-5 of the Zoning Ordinance.
 - c. If the wall is to be reconstructed in full or in part, the developer must obtain documented approval from affected adjacent property owners, including agreements to access the affected lots and maximum height of wall.
 - d. If an agreement cannot be reached with the affected property owners, the developer is to submit this documentation as well to the City, along with an alternative screening and retention wall design proposal that has the new wall constructed immediately adjacent to the existing wall. This alternative design must be approved by the City's Planning & Engineering Divisions. If the said plan cannot prove to avoid damaging or negatively affecting the future integrity of the existing wall, then the developer must revert back to condition 3c, or adjust the layout of the subdivision.
4. Due to the emergency access corridor being less than 50 feet, the Developer shall provide safety mitigation in accordance with Section 20-78-3.II.A.1, in Chapter 3 of the Fire Design Standards Manual.
5. The Developer shall dedicate ROW along both Olive Avenue and 89th Avenue frontages per the City's Street Classification Map or as determined by the City Engineer to accommodate the ultimate development of the half-street.
6. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract. No walls or retention shall be allowed within the PUE.
7. The Developer shall construct the half-street roadway along 89th Avenue frontage or as determined by the City Engineer.
8. The Developer shall dedicate thirty feet (30') of right-of-way along 89th Avenue.
9. The Developer shall dedicate a 30-foot by 30-foot right of way chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot right of way chamfer at all local/local roadway intersections.
10. The Developer shall install traffic signal interconnect conduit along the frontage of the parcel. Plans for the installation of the traffic signal interconnect conduit shall be submitted as part of the improvement plans, specifically on the Paving plans.
11. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the Paving or Grading plan.

12. Prior to Final Plat recordation, the applicant shall obtain approval of final Grading, Drainage, Utilities, and Paving plans, in conjunction with a Final Drainage Report and Final TIA. These final plans and reports shall be in conformance with the approved Preliminary Plans and report.
13. The Final Plat shall be submitted with the first submittal of the civil improvement plans. The Final Plat shall be approved prior to permits being issued for the site.
14. If necessary, the applicant shall provide the City with two (2) copies of the updated PAD and an electric copy within sixty (60) days of the City Council action.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A, and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 22nd day of November, 2016.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen J. Burg, Acting City Attorney

Published in: Peoria Times
Publication Dates: December 2, 2016
Effective Date:

EXHIBIT A

Townley Park Legal Description Southwest Corner of 89th Avenue & Olive Avenue

Commencing at a brass cap in handhole marking the northwest corner of Section 34, Township 3 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, from which point a brass cap in handhole at the north quarter-corner of said Section 34 bears North 89 degrees 23 minutes 25 seconds East, 2641.31 feet;

thence along the north section line of said Section 34 North 89 degrees 23 minutes 25 seconds East, 747.01 feet to the POINT OF BEGINNING;

thence continuing along said north section line North 89 degrees 23 minutes 25 seconds East, 573.65 feet;

thence South 0 degrees 00 minutes 10 seconds West, 773.01 feet;

thence South 89 degrees 23 minutes 25 seconds West, 573.27 feet;

thence North 0 degrees 01 minutes 29 seconds West, 773.00 feet to the POINT OF BEGINNING.

Contains 10.1759 acres, more or less.

EXHIBIT B

