

## **Exhibit 5**

### **Draft Ordinance**

## ORDINANCE NO 2018-11

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REZONING APPROXIMATELY 78 ACRES PROPERTY FROM SPECIAL USE PERMIT (SU) AND FLOODPLAIN (FP) TO COWTOWN PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Cowtown facility was developed within unincorporated Maricopa County as a venue for outdoor entertainment events on the property more accurately described below;

WHEREAS, the property was annexed into the City of Peoria, Arizona by Ordinance No. 94-03 effective February 25, 1994 and which was described as zoned Rural-43 under Maricopa County Zoning Ordinance at the time of such annexation;

WHEREAS, the City of Peoria adopted Ordinance No. 94-12 effective April 5, 1994 and established the initial zoning of the described property as Special Use Permit (SU) and Floodplain (FP) zoning districts;

WHEREAS, Ordinance No. 94-12 did not define in adequate detail the range of allowed land uses, development standards, and performance standards associated with those uses for the Cowtown facility at the time of the initial zoning;

WHEREAS, an application to rezone the property (case Z16-0013) to Cowtown Planned Area Development (PAD) has been submitted for consideration to better define the unique land uses, development standards, and operational criteria for the Cowtown facility;

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on March 1, 2018 in zoning case Z16-0013 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 Special Use Permit (SU) and Floodplain (FP) to Cowtown Planned Area Development (PAD) zoning district as provided in Section 21-601 of the Peoria City Code;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law and opportunity for public input were completed; 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 Special Use Permit (SU) and Floodplain (FP) to Cowtown Planned Area Development (PAD) zoning district.

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

1. The development shall substantially conform to the approved Planned Area Development Standards and Guidelines Report, Fence Plan, and Site Plan dated October 11, 2017 except as modified herein.
2. A perimeter fence is to be installed around the entire border of the subject property in the timeframe specified from the effective date of the ordinance as described below, to the satisfaction of City staff:
  - a. Within 6 months, the property owner or authorized designee shall install the portion of the perimeter fence labeled as Section A which starts immediately north of Bay 6, proceeding south along the eastern property line past the main gate to the southeastern edge of the property. From that southeastern corner, the fence shall be extended westward along the southern property line, past the parking area and ending adjacent to the toe of the southern ridge as shown in Exhibit E).
  - b. Within 12 months, the property owner or authorized designee shall install the balance of the perimeter fence around the entire property as identified in Exhibit E as Section B.
  - c. In extremely rugged slope conditions, and/or within wash corridor areas, steel posts will be secured into the ground every 25-50 feet in-lieu of fencing, unless otherwise approved by city staff. The number of instances where posts may be substituted in-lieu of fencing is conceptually shown on Exhibit E.
3. At the time of installation, warning signage shall be provided on the perimeter fence every 50 feet to discourage unwanted access to the property. Where posts are provided in-lieu of fencing, warning signage shall be provided every 25-50 feet, unless otherwise approved by city staff.
4. Within twelve months from the effective date of this ordinance, the property owner or authorized designee shall submit for and receive approval of the Non-Ballistic

Structure.

5. All proposed grading or site improvements within existing floodplain/floodway area will require engineering review and permitting.
6. At the time of application for construction, proposed development shall conform to all applicable new development and engineering design standards within the City of Peoria City Code, City of Peoria Infrastructure Design Guidelines, and current engineering policies, standards and best practices, to the satisfaction of the City Engineer.
7. Per the template offered by the Environmental Protection Agency (EPA) for best management practices for lead at outdoor shooting ranges, Cowtown is required to establish, maintain, and follow an implementation schedule appropriate for the conditions of this range, based on the variables identified by the EPA.
8. In accordance with the criteria outlined within the Cowtown PAD, the property owner or designee shall obtain a temporary use permit for any occurrence, occasion or event that involves tents/canopies or membranes with 400 square feet or more, and generators. The temporary use permit shall be reviewed and approved by city staff, and in particular by the Peoria Fire Department prior to the event.
9. Explosives materials are to be approved by the Fire Department and must comply with all requirements of the International Fire Code and the applicable sections with the National Fire Protection Association (NFPA) publication 495.
10. The property owner or authorized designee shall obtain a temporary use permit for every occurrence of binary explosives (i.e. Tannerite) and similar ATF defined explosive materials brought on-site, handled or used for any reason, to the satisfaction of Fire Department staff.
11. Fire apparatus access is to be provided to the parking lots north of Gate #2 at the time of construction and/or use of those parking lots. The fire apparatus access road is to be a stabilized surface that is a minimum of twenty (20) feet wide, able to support an imposed load of seventy five thousand (75,000) pounds, be an all-weather surface and be appropriately marked and visible under any weather condition.
12. Any gate(s) that block a fire apparatus access road will require appropriate Fire Department signage, locks and/or automatic controls (if electric).
13. Where fire apparatus access roads end in a dead end, an approved turn around that meets the requirements of Appendix D of the International Fire Code is to be provided and appropriately marked.
14. All new structures, whether commercial or residential, are required to comply with the International Fire Code (IFC), except as otherwise approved by the Fire Department.
15. All new commercial structures that require twenty (20) or more fire sprinkler heads are required to have a fire alarm system installed that includes occupant notification throughout the structure.

16. A water supply is required to supply the necessary automatic fire sprinkler system demands and fire flow requirements for the site in accordance with the International Fire Code for all new structures, whether commercial or residential. A fire pump may be required to supply the necessary pressure to operate the automatic fire sprinkler system and supply the fire hydrants. The fire pump is to meet the provision in the International Fire Code and the National Fire Protection Association (NFPA) publication 20.
17. For all new structures, whether commercial or residential, a water supply is to be distributed to fire hydrant locations approved by the Fire Department for use in the event of an emergency. The water supply system is to be capable of providing the minimum required fire flow at twenty (20) psi to any fire hydrant, or as otherwise approved by the Peoria Fire Department and/or the International Fire Code.

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 Descriptions 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 17<sup>th</sup> day of April, 2018.

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Cathy Carlat, Mayor

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Date signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen J. Burg, City Attorney

Published in: Peoria Times

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Exhibit A**  
**Legal Description**

**201-18-001**

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION FIVE (5),  
TOWNSHIP FIVE (5) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT  
RIVER BASE AND MERIDIAN.

THE LAND AREA CONTAINS 78.33 ACRES MORE OR LESS.

**Exhibit B  
Parcel Map**

