

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-1-17-1) FROM S-1 DVAO (RANCH OR FARM RESIDENCE, DEER VALLEY AIRPORT OVERLAY) TO CP/GCP DVAO (COMMERCE PARK, GENERAL COMMERCE PARK OPTION, DEER VALLEY AIRPORT OVERLAY).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of an approximately 3.18-acre property located approximately 335 feet east of the northeast corner of 15th Avenue and the Whispering Wind Drive alignment in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "S-1 DVAO" (Ranch or Farm Residence, Deer Valley Airport Overlay) to "CP/GCP DVAO" (Commerce Park, General Commerce Park Option, Deer Valley Airport Overlay).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B".

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Trees within the required landscape setback along Whispering Wind Drive shall be placed 20 feet on center or in equivalent groupings, consisting of 60% of trees with a minimum 2-inch caliper and 40% with a minimum 1 inch caliper, as approved by the Planning and Development Department.
2. Landscape planters shall be provided at the ends of each row of parking within the required parking areas, as approved by the Planning and Development Department. The planters shall be a minimum of 5 feet wide, measured from inside face of curbs. Planters shall include at minimum a 1 inch caliper tree.
3. Right-of-way totaling 25 feet shall be dedicated for the south half of Whispering Wind Drive (north boundary of property) for the entire length of the property and the remaining Federal Patent Easement shall be abandoned, as approved by the Planning and Development Department.
4. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 10th day of May, 2017.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

- Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-1-17-1

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 230 FEET THEREOF.

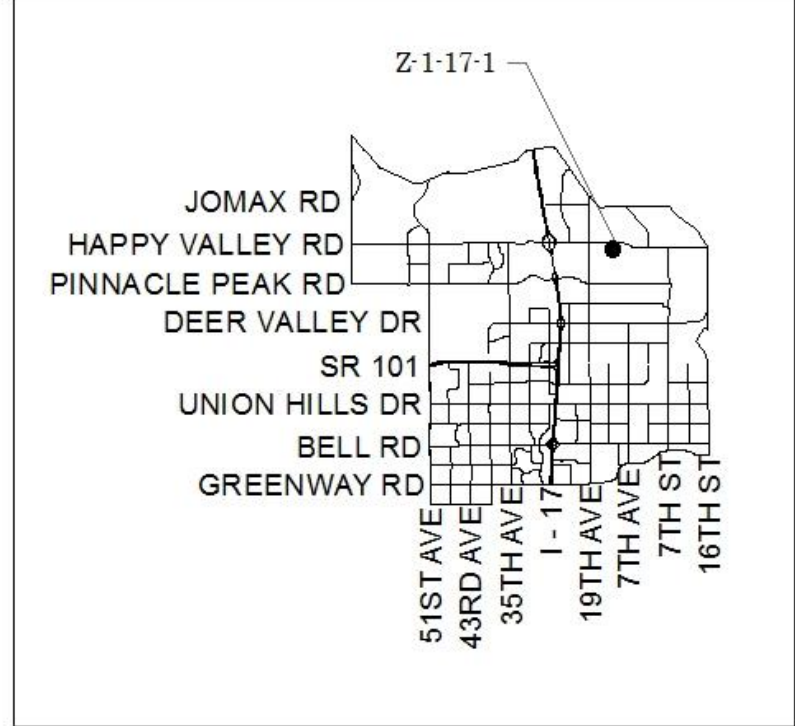
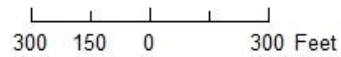
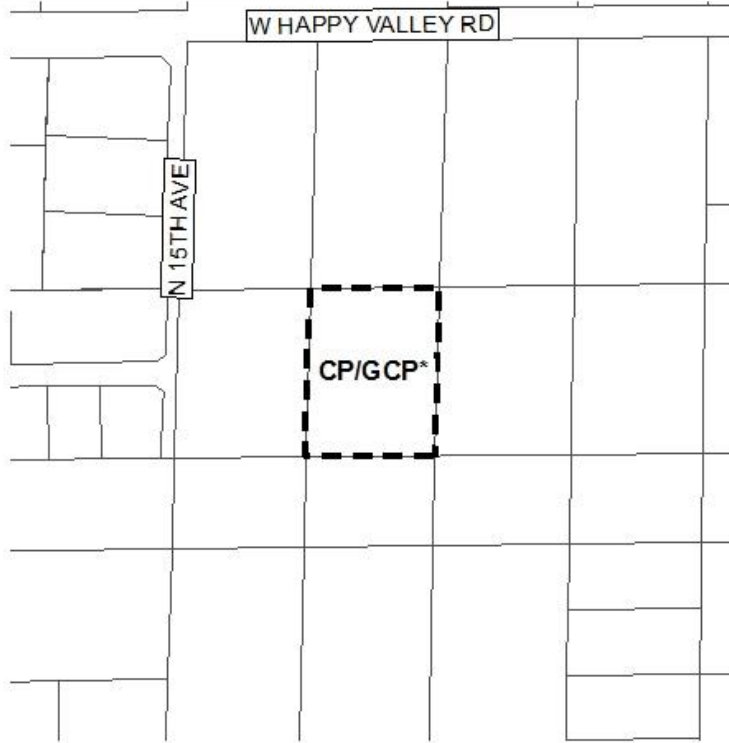
EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND EXCEPT ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, AS RESERVED IN PATENT FORM THE UNITED STATES OF AMERICA.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-1-17-1
Zoning Overlay: Deer Valley Airport
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 3/15/2017