

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 ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-35-17-1) FROM R-5 DVAO (MULTIFAMILY RESIDENCE DISTRICT, DEER VALLEY AIRPORT OVERLAY) TO A-1 DVAO (LIGHT INDUSTRIAL, DEER VALLEY AIRPORT OVERLAY).

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

SECTION 1. The zoning of a 2.05-acre site located approximately 390 feet north of the northeast corner of 24th Avenue and Lone Cactus Drive in a portion of Section 24, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "R-5 DVAO" (Multifamily Residence District, Deer Valley Airport Overlay) to "A-1 DVAO" (Light Industrial, 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. The building height shall not exceed 30 feet.
2. The public sidewalk along 24th Avenue shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb and planted to the standards below. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.
 - a. Large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings. Fifty percent of the required trees shall be a minimum 3-inch caliper and 50 percent shall be a minimum 2-inch caliper.
 - b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.
 - c. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
3. All perimeter building elevations shall contain architectural embellishments and detailing such as material changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
4. A minimum building setback of 50 feet shall be provided along the east property line, abutting residential zoning.
5. A minimum 10-foot landscape setback shall be provided along the east and north property lines and shall include shade trees placed 20 feet on center or in equivalent groupings. 25 percent of the trees shall be minimum 4-inch caliper and 75 percent of the trees shall be minimum 3-inch caliper, as approved by the Planning and Development Department.
6. The developer shall plant shade trees in and around the employee and customer parking area to provide shade for 25 percent of the parking area at maturity, as approved by the Planning and Development.
7. A solid wall shall be constructed along the north and east property lines adjacent to residential uses. The walls shall consist of solid masonry or similar material and shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

8. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
9. The developer shall dedicate 4-feet of right-of-way for the east side of the property for a total 20 foot-wide alley, as approved by the Planning and Development Department.
10. The property owner shall record documents that 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.
11. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
12. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
13. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
14. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
16. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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 2nd day of February, 2022.

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)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-35-17-1

Within a portion of Section 24, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

21435 N 24TH STREET (#209-07-17): Lot 17, of Black Canyon Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona recorded in book 56 of Maps page 14. S/T/R: 24 4 North 2 East. MCR# 5614

21435 N 24TH STREET (#209-07-14): Lot 14, of Black Canyon Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona recorded in book 56 of Maps page 14. S/T/R: 24 4 North 2 East. MCR# 5614

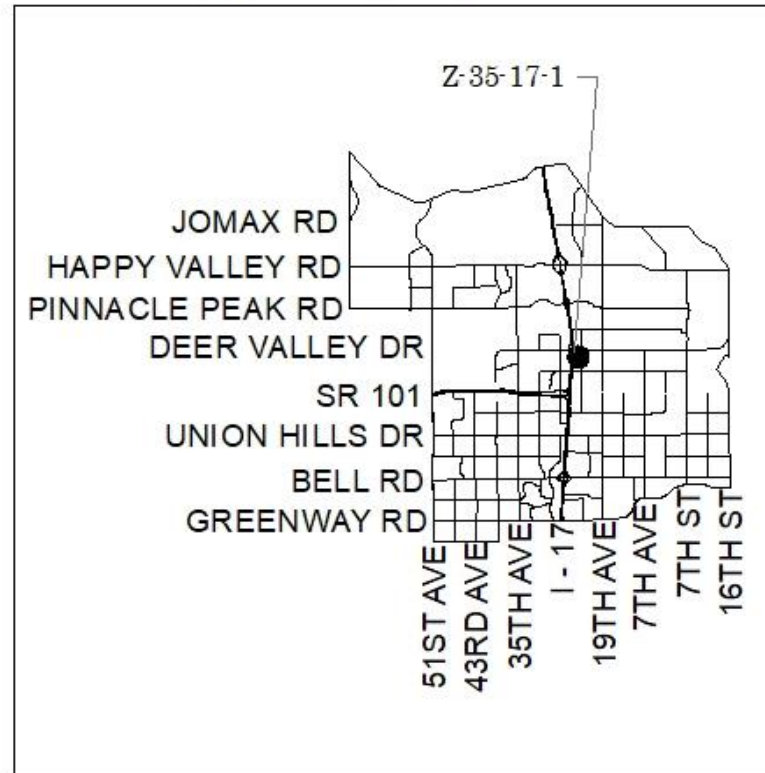
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-35-17-1
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/28/2021