

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-49-22-1-2) FROM A-1 SP DVAO (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO A-1 DVAO (LIGHT INDUSTRIAL DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 7.36-acre property located at the southwest corner of 7th Street and Pinnacle Peak Road in a portion of Sections 16 and 17, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 2.20 acres of "A-1 SP DVAO" (Light Industrial District, Special Permit, Deer Valley Airport Overlay District) and 5.16 acres of "A-1 DVAO" (Light Industrial District, Deer Valley Airport Overlay District), to "A-1 DVAO" (Light Industrial District, Deer Valley Airport Overlay District).

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. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Pinnacle Peak Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.
2. The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Deer Valley Airport to future owners and tenants of the property. The form and contents of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
3. 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.
4. 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.
5. 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.
6. 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 12th day of October, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-49-22-1-2

Lot 9, of Pinnacle Peak Industrial, recorded in the official records of Maricopa County, Arizona as book 1016 of maps, page 23. Located in the Northeast Quarter of Section 17, Township 04 North, Range 03 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona.

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ORDINANCE LOCATION MAP

EXHIBIT B

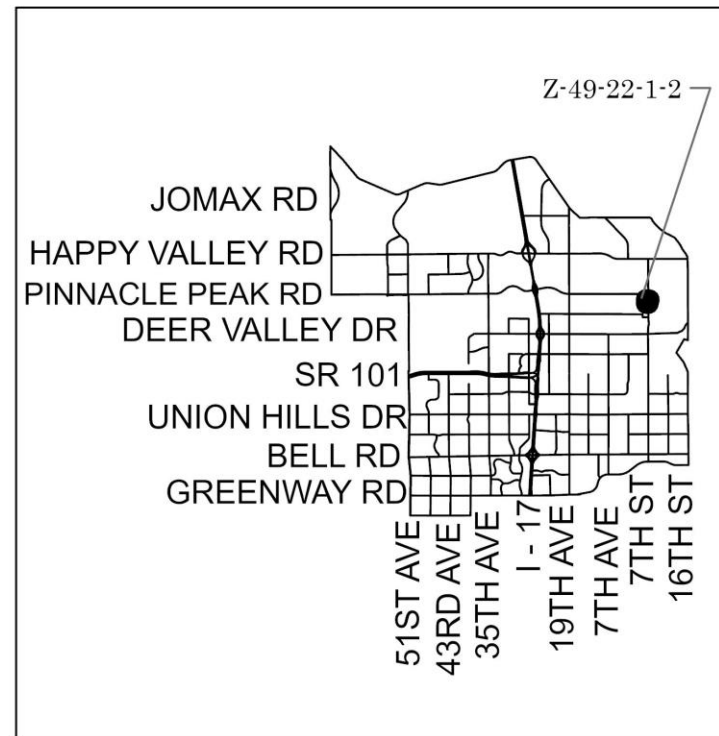
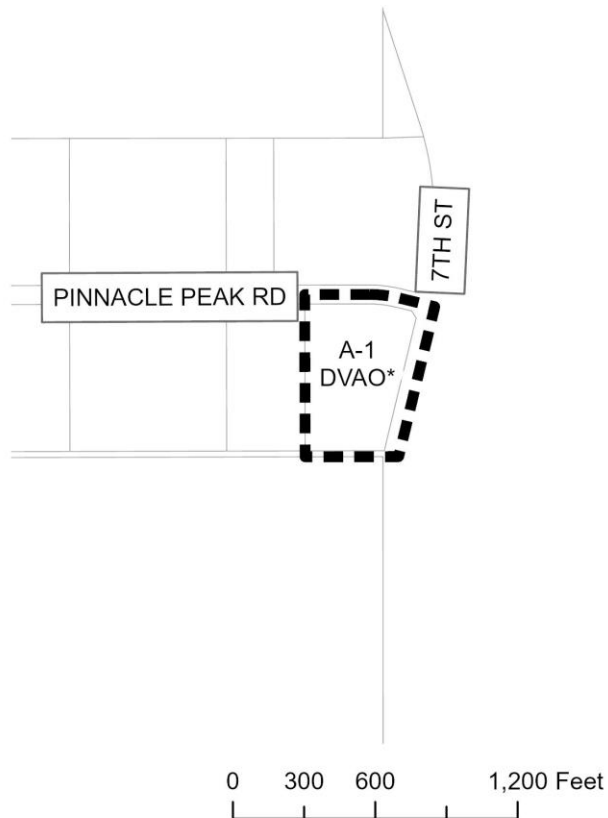
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-49-22-1-2

Zoning Overlay: Deer Valley Airport Overlay District (DVAO)

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 9/13/2022