

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-3-19-1) FROM IND. PK. DVAO (INDUSTRIAL PARK, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO PUD DVAO (PLANNED UNIT DEVELOPMENT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 5.50-acre property located at the northwest corner of 19th Avenue and Rose Garden Lane in a portion of Section 24, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "Ind. Pk. DVAO" (Industrial Park, Deer Valley Airport Overlay District) to "PUD DVAO" (Planned Unit Development, 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. An updated Development Narrative for the 19th Avenue and Rose Garden PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped March 29, 2019, as modified by the following stipulations:
 - a. Front Cover: Remove "Submittal" dates and revise to add the following: City Council adopted: [Add adoption date]. Correct location to read "Northwest corner of 19th Avenue and Rose Garden Lane."
 - b. Page 4: Correct language to read: "Provisions not specifically regulated by this PUD are governed by the Phoenix Zoning Ordinance, including the Deer Valley Airport Overlay (DVAO) District. If there are conflicts between specific provisions of this PUD, and the Phoenix Zoning Ordinance or design guidelines, with the exception of the provisions of the DVAO, the terms of this PUD shall apply."
 - c. Page 5: Correct C.1 language to read: This PUD allows all uses permitted in the CP/GCP and A-1 zoning districts of the Phoenix Zoning Ordinance, except the following uses in C.2, which shall be prohibited. Add new section heading and introduction sentence for C.2 Prohibited Uses.
 - d. Page 7: Change section subheading from C.2 to C.3. Change section subheading from C.3 to C.4.
2. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
3. The subject site is within DVAO "Area 1", development must provide Avigation Notice consistent with DVAO part 658.D.
4. 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.

5. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's office. 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 5th day of June, 2019.

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-3-19-1

Lot 1, Rose Garden Center, and dedicated right-of-way, as shown on the Final Plat, recorded in Book 228, page 20, Maricopa County Records (M.C.R.), and lying within Section 24, Township 4 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the east quarter corner of said section, a brass cap in handhole, from which the center of said section, a brass cap flush, bears North 89°46'20" West (basis of bearing), a distance of 2662.67 feet;

THENCE along the east-west mid-section line of said section, North 89°46'20" West, a distance of 725.01 feet, to the southerly prolongation of the west line of said Lot 1;

THENCE leaving said east-west mid-section line, along said southerly prolongation, and along the west line of said Lot 1, North 00°00'27" East, a distance of 330.00 feet, to the northwest corner of said Lot 1;

THENCE leaving said west line, along the north line of said Lot 1, and along the easterly prolongation of said north line, South 89°46'20" East, a distance of 725.01 feet, to the east line of said section;

THENCE leaving said easterly prolongation, along said east line, South 00 00'27" West, a distance of 330.00 feet, to the **POINT OF BEGINNING**.

Containing 239,252 square feet or 5.4925 acres, more or less.

Subject to existing rights-of-way and easements.

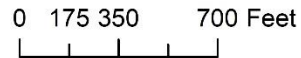
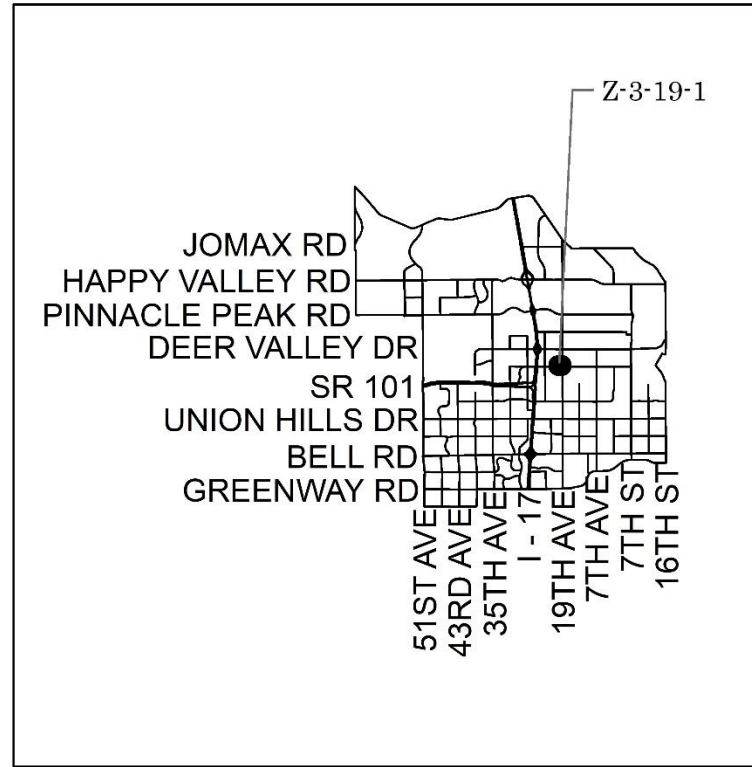
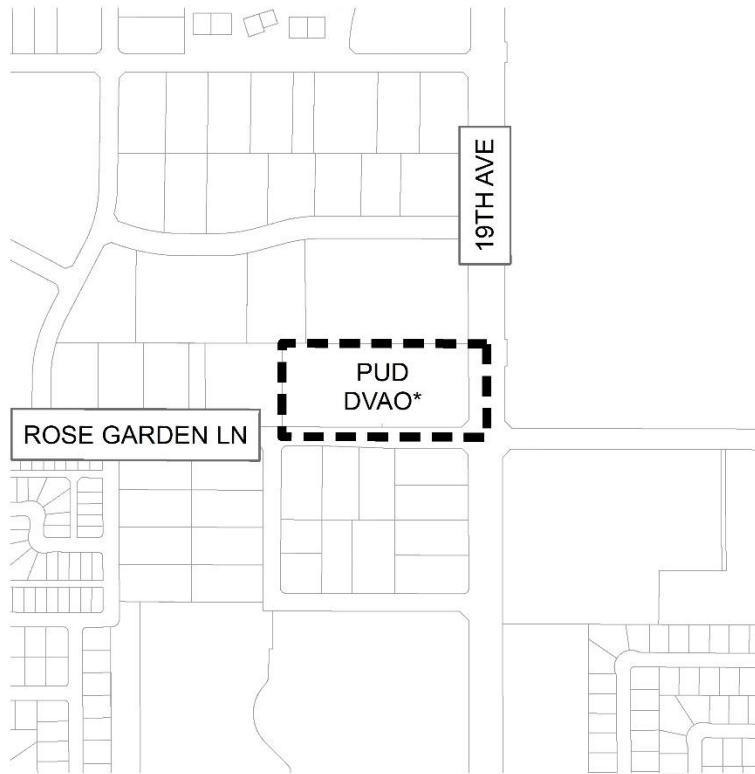
This parcel description is based on the Final Plat of Rose Garden Center, recorded in Book 228, page 20, M.C.R. and other client provided information. Any monumentation noted in this parcel description is based on said Final Plat.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-3-19-1
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/9/2019