

## 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-33-19-1) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 18.41-acre site located at the northwest corner of 33rd Avenue and the Jomax Road alignment in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "R1-18" (Single-Family Residence 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. The project shall not exceed 37 lots.
2. The developer shall dedicate a preservation easement or tract on areas above 15% slope, as approved by the Planning and Development Department.
3. A minimum of 15% of the gross project shall be retained as open space, including washes and hillside areas, not including required perimeter setbacks, as approved by the Planning and Development Department.
4. There shall be a minimum of one private open space amenity area. The area shall provide, at a minimum, one of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
  - a. Pavilion or Ramada
  - b. Barbecue and Picnic Area
  - c. Fire Pit
5. All sidewalks shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum 3-inch caliper drought tolerant shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
6. The applicant shall provide a minimum of one public pedestrian access point to and from the regional trail system located at the northwest corner of the site, as approved by the Planning and Development Department and one public pedestrian access point from north 33rd Avenue to the subdivision, as approved by the Planning and Development Department.
7. 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.
8. The developer 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 (DVT) to future owners or tenants of the property.
9. 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 6th day of November, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-33-19-1

That parcel of land being situated within the Southwest quarter of Section 35, Township 5 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at found stone accepted as the Southwest corner of said Section 35, from which a found City of Phoenix brass cap accepted as the West quarter corner thereof bears North  $00^{\circ}51'31''$  West, 2636.23 feet;

Thence North  $00^{\circ}51'31''$  West, 988.59 feet along the west line of said Southwest quarter;

Thence leaving said west line, North  $89^{\circ}08'25''$  East, 660.17 feet along the north line of the south half of the Northwest quarter of the Southwest quarter of said Southwest quarter;

Thence leaving said north line, South  $00^{\circ}49'45''$  East, 659.16 feet along the east line of the west half of the Southwest quarter of said Southwest quarter;

Thence leaving said east line, North  $89^{\circ}08'56''$  East, 596.81 feet along the north line of the south half of the Southeast quarter of the Southwest quarter of said Southwest quarter, to a non-tangent curve, concave northwesterly, having a radius of 1000.00 feet, the center of which bears North  $73^{\circ}56'00''$  West;

Thence leaving last said north line and southwesterly along said curve and along the centerline as described in the Final Condemnation recorded as Document 2006-1638651, Maricopa County records, through a central angle of  $13^{\circ}24'23''$ , an arc length of 233.98 feet to a tangent line;

Thence continuing along said centerline, South  $29^{\circ}28'23''$  West, 76.14 feet;

Thence leaving said centerline, South  $89^{\circ}09'12''$  West, 464.94 feet along a line that is parallel with and 50.00 feet north of the south line of said Southwest quarter;

Thence leaving said parallel line, South  $00^{\circ}49'45''$  East, 50.00 feet along the east line of the Southwest quarter of the Southwest quarter of said Southwest quarter;

Thence leaving last said east line, South  $89^{\circ}09'12''$  West, 659.66 feet along the south line of said Southwest quarter to the POINT OF BEGINNING.

The above described parcels contain a combined computed area of 802,965 sq. ft. (18.4335 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

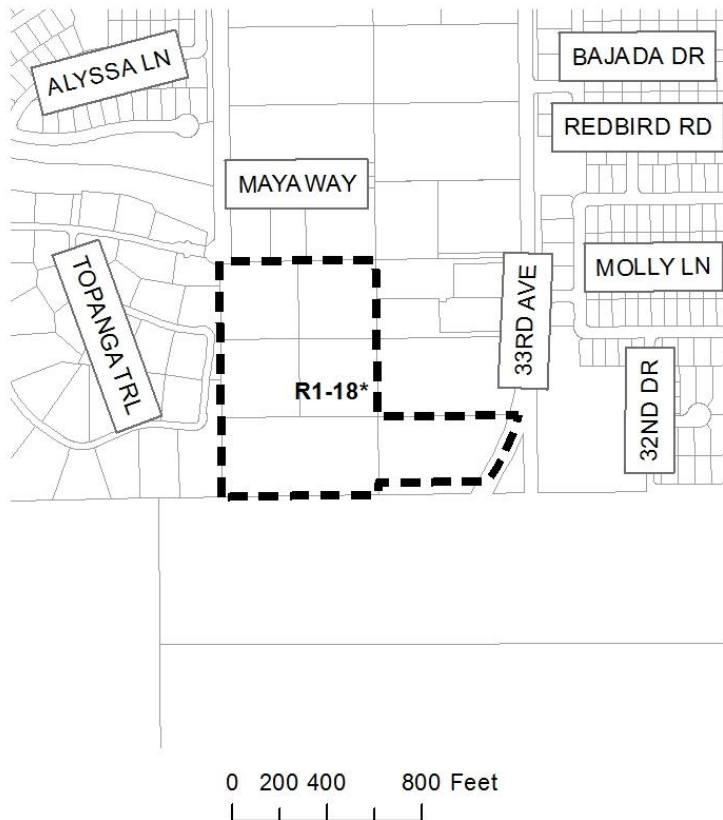
DRAFT

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

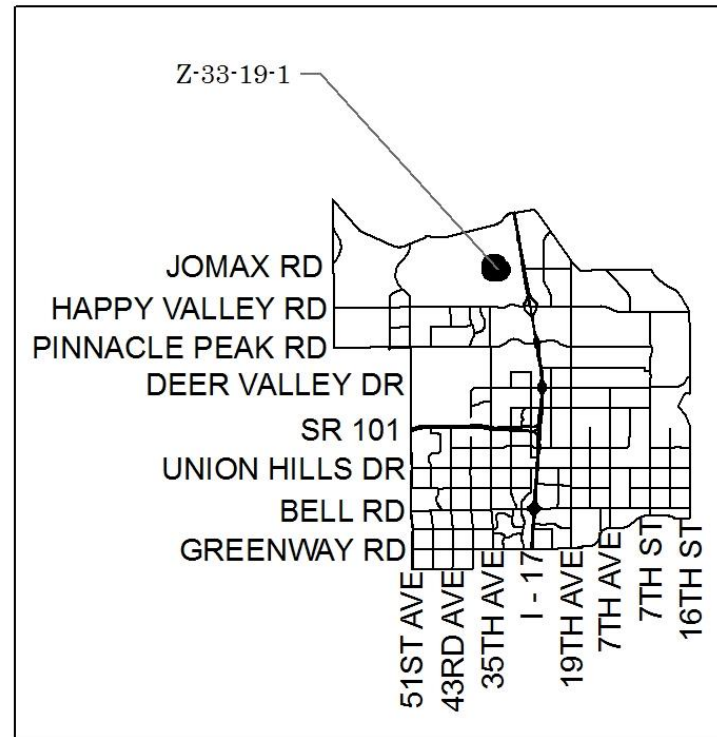
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-33-19-1

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 8/30/2019