

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-34-21-7) FROM A-1 (LIGHT INDUSTRIAL DISTRICT) AND A-2 (INDUSTRIAL DISTRICT) TO A-2 (INDUSTRIAL DISTRICT).

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

SECTION 1. The zoning of a 1.90-acre site located approximately 1,130 feet south of the southeast corner of 39th Avenue and Miami Street in a portion of Section 22, Township 1 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from 1.10 acres of “A-1” (Light Industrial District) and 0.80 acres of “A-2” (Industrial District) to 1.90 acres of “A-2” (Industrial 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 maximum building height shall be limited to 30 feet.
2. The developer shall pave 39th Avenue per the collector street standards starting at the entrance of the subject site and terminating 310 feet north of the subject site along 39th Avenue, as approved by the Planning and Development Department.
3. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor International Airport (PHX) 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.
4. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for all development required by the FAA to file this form, 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, as required by the FAA, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
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 6th day of October, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Ed Zuercher City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-34-21-7

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMECING AT THE NORTH QUARTER CORNER OF SAID SECTION 22; THENCE SOUTH 00 DEGREES, 05 MINUTES, 55 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 22, A DISTANCE OF 2,499.3 FEET TO A POINT MARKED BY A 1/2 INCH REBAR, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 00 DEGREES, 05 MINUTES, 55 SECONDS EAST A DISTANCE OF 179.87 FEET;

THENCE SOUTH 04 DEGREES, 41 MINUTES, 18 SECONDS EAST A DISTANCE OF 80.32 FEET;

THENCE NORTH 89 DEGREES, 38 MINUTES, 22 SECONDS WEST A DISTANCE OF 491.92 FEET;

THENCE NORTH 04 DEGREES, 41 MINUTES, 18 SECONDS WEST A DISTANCE OF 80.32 FEET;

THENCE NORTH 89 DEGREES, 37 MINUTES, 22 SECONDS WEST A DISTANCE OF 28.98 FEET TO A POINT OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 359.54 FEET AND A CENTRAL ANGLE OF 21 DEGREES, 02 MINUTES, 16 SECONDS;

THENCE ALONG SAID CURVE AN ARC LENGTH OF 132.01 FEET TO A TANGENT LINE;

THENCE ALONG SAID TANGENT LINE NORTH 68 DEGREES, 01 MINUTES, 31 SECONDS EAST A DISTANCE OF 383.88 FEET;

THENCE NORTH 79 DEGREES, 23 MINUTES, 10 SECONDS EAST A DISTANCE OF 36.48 FEET TO THE TRUE NORTH POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

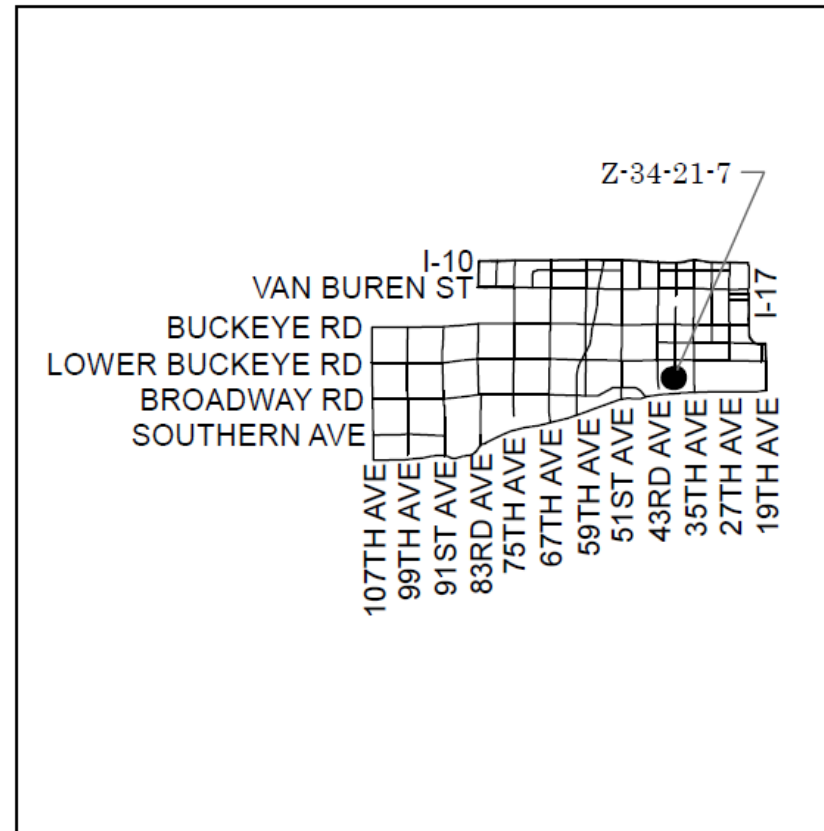
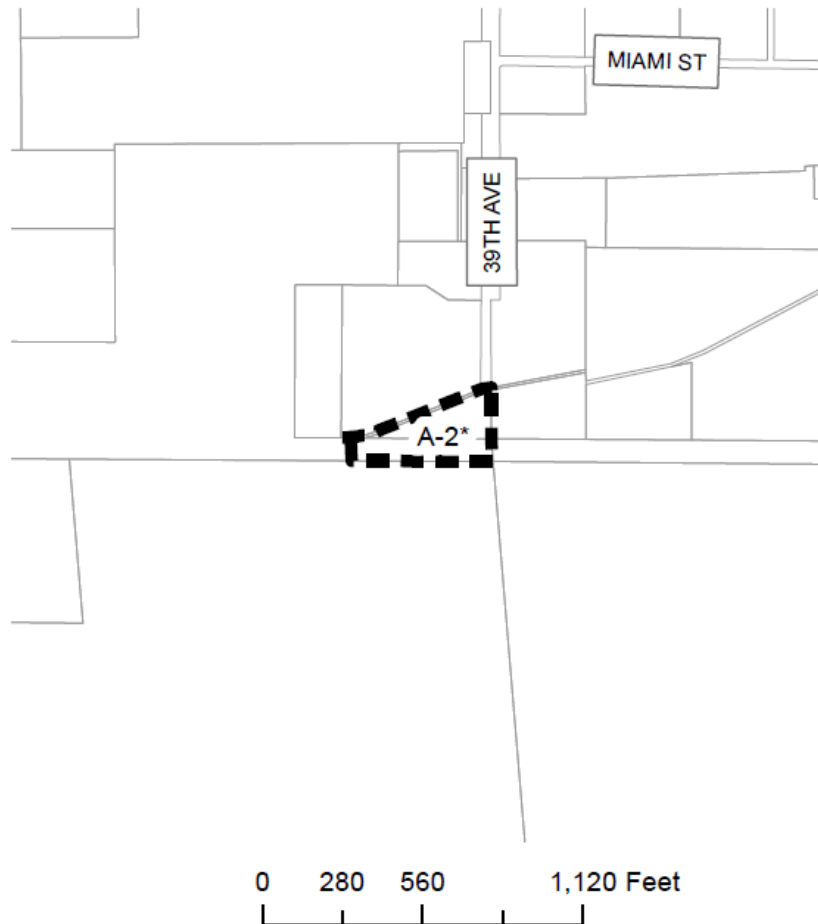
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

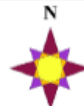
Zoning Case Number: Z-34-21-7

Zoning Overlay: N/A

Planning Village: Estrella



NOT TO SCALE



Drawn Date: 9/3/2021