

ATTACHMENT A

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE ANNEXED PARCEL DESCRIBED HEREIN (9TH AVENUE AND HAPPY VALLEY ROAD ANNEXATION, NO. 534) FROM COUNTY C-3 CUPD TO CITY C-3 (GENERAL COMMERCIAL).

WHEREAS, on June 26, 2024, via Ordinance S-50885, the City of Phoenix annexed an approximately 4.69-acre site located at the northwest corner of 9th Avenue and Happy Valley Road, in a portion of Section 6, Township 4 North, Range 3 East, as described more specifically in “Exhibit A” and incorporated herein by this reference; and,

WHEREAS, as required by A.R.S. § 9-471.L, the city of Phoenix is required to adopt zoning districts on the subject parcel to permit uses and densities no greater than those allowed by the prior County zoning district; and,

WHEREAS, immediately prior to annexation the zoning applicable to this territory was Maricopa County’s C-3 CUPD zoning district; and

WHEREAS, the City’s C-3 (General Commercial) zoning district is equivalent to Maricopa County’s C-3 CUPD zoning district;

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

SECTION 1. The approximately 4.69-acre site located at the northwest corner of 9th Avenue and Happy Valley Road, in a portion of Section 6, Township 4 North, Range 3 East, which is described in “Exhibit A” and depicted in “Exhibit B” has been annexed to the City of Phoenix, and the present corporate limits of the City have been extended and increased to include such property.

SECTION 2. Pursuant to A.R.S. §9-471(L), the property depicted in Exhibit B is hereby removed from Maricopa County's C-3 CUPD zoning district and placed into the City's C-3 (General Commercial) zoning district. This zoning designation shall take effect thirty days after this Ordinance is adopted, without further action by the City Council, and

SECTION 3. The City Clerk shall cause a copy of this Ordinance, together with “Exhibit A” and “Exhibit B” to be filed and recorded in the Records of the Office of the Maricopa County Recorder, and

SECTION 4. 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 5. 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. Development of the site shall be in conformance with the Narrative Report entitled “Team Tractor Ranch”, consisting of 4 pages, dated and stamped received August 16, 2021, as modified by the following stipulations, and approved by the Planning and Development Department.
2. Site Screening: Eight-foot-tall CMU block wall shall be required along and adjacent to and side or rear property line abutting any rural or residential zone boundary. In addition, there shall be a 10-foot-wide strip of landscaping provided along the exterior of said wall with 24-inch box trees planted 20-feet apart on center in substantial conformance with the site plan entitled “Team

Tractor” consisting of one page dated and stamped received November 4, 2021, as modified by the following stipulations and approved by the Planning and Development Department. Landscaping shall be maintained.

3. Required parking spaces, tractors/equipment display areas, primary site access, outdoor storage areas, and internal driveways shall be concrete, paved, or an alternative dustproofing material, as approved by the Planning and Development Department.
4. Prior to final 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 6. 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 18th day of September, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, 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
9TH AVENUE AND HAPPY VALLEY ROAD ANNEXATION
Legal Description

That part of the East half of the Southwest quarter of the Southeast quarter of the Southeast quarter of Section 6, Township 4 North, Range 3 East, G&SRB&M, Maricopa County, Arizona, described as follows:

COMMENCING at a the Southeast corner of said Section 6, also being a corner of City of Phoenix Ordinance G-4397, recorded at Document 2001-1068866 official records of the Maricopa County Recorder, said point also being the point of beginning of City of Phoenix Ordinance No. S- 35520, recorded in Document No. 2008-0877176 official records of Maricopa County;

Thence along the following 5 courses being along the boundary of said City of Phoenix Ordinance No. S-35520;

thence North along the East line of said Section 6 to the North line of the South 55 feet of said Section 6;

thence West along said North line, to the West line of the East half of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 6;

thence South along said West line to the North line of the South 40 feet of said Section 6;

thence Westerly along last said North line to the East line of the East half of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 6 and the POINT OF BEGINNING.

thence continuing West along last said North line to the West line of said East half of the Southwest quarter of the Southeast quarter of the Southeast quarter;

thence, leaving said boundary of Ordinance No. S-35520, North along last said West line to the North line of last said East half;

thence East along last said North line to the Northeast corner of last said East half;

thence South along the East line of last said East half to said North line of the South 40 feet of said Section 6 and the POINT OF BEGINNING.

Area = 4.690 Acres

Area = 0.0073 Sq. Miles

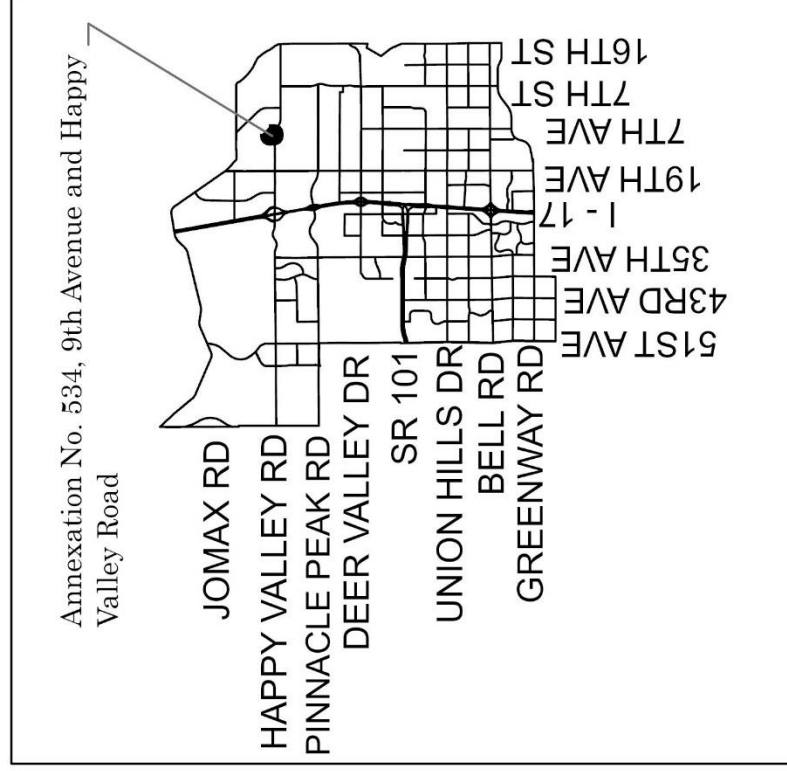
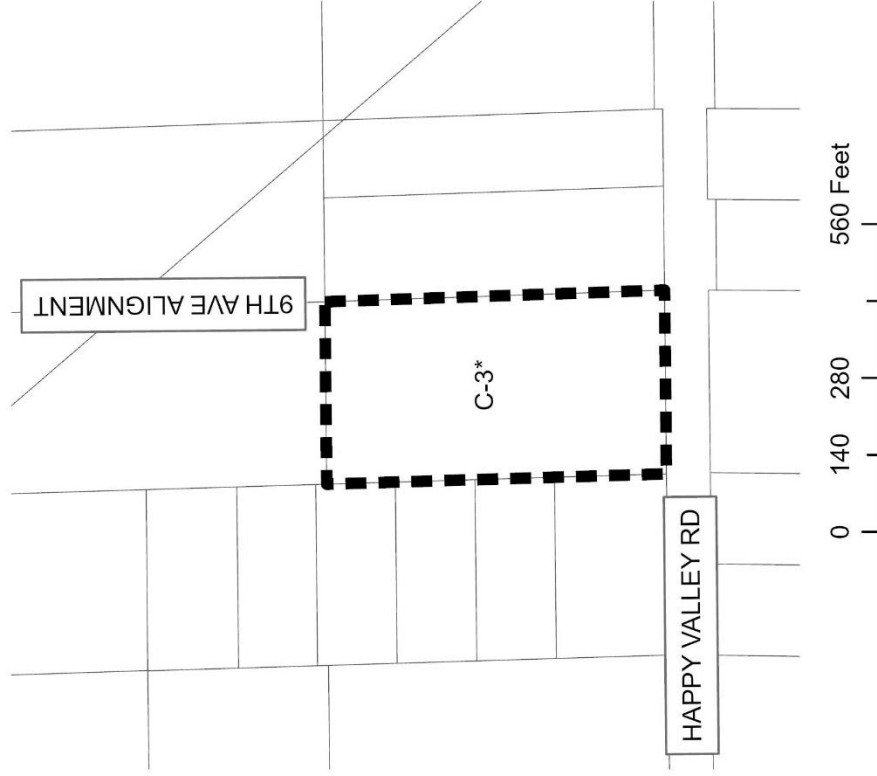
EQUIVALENCY ZONING MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Annexation Case: 534, 9th Avenue and Happy Valley Road
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 9/4/2024