

## 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-6-19-1) FROM RE-35 (PENDING RE-35) (SINGLE-FAMILY RESIDENCE DISTRICT (PENDING SINGLE-FAMILY RESIDENCE DISTRICT)) AND RE-43 (PENDING RE-35) (RESIDENTIAL ESTATE RESIDENCE DISTRICT (PENDING SINGLE-FAMILY RESIDENCE DISTRICT)) TO RE-35 HILLSIDE DNS/WVR (SINGLE-FAMILY RESIDENCE DISTRICT, HILLSIDE DENSITY WAIVER) FOR SINGLE-FAMILY DETACHED RESIDENTIAL.

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

SECTION 1. The zoning of a 60.50-acre site located approximately 2,640 feet north of the northeast corner of 51st Avenue and Tonopah Drive in a portion of Section 21, Township 4 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from “RE-35 (Pending RE-35)” (Single-Family Residence District (Pending Single-Family Residence District)) and “RE-43 (Pending RE-35)” (Residential Estate District (Pending Single-Family Residence District)) to “RE-35 Hillside DNS/WVR (Single-Family Residence District, Hillside Density Waiver).

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. There shall be a maximum of 32 dwelling units.
2. There shall be a maximum overall building envelope disturbance area of 400,000 square feet, as approved by the Planning and Development Department.
3. There shall be no more lots, dwelling units, or building envelopes created than permitted by the slope categories provided below, except that lots or dwelling units not placed in a slope category may be placed in a lower slope category so long as the total number of lots or dwelling units in the hillside development area does not exceed 32 units, as approved by the Planning and Development Department.

Slope Category	Units Permitted Per Slope Category
Less than 10%	1 lots
10% to 14.9%	2 lots
15% to 19.9%	3 lot
20% to 24.9%	7 lots
25% to 29.9%	7 lots
30% to 34.9%	9 lots
35% and over	9 lots

4. There shall be no grading permitted at an elevation of 1,610 feet above mean sea level or above. The remainder of land shall remain undisturbed and be preserved as natural desert open space, as approved by the Planning and Development Department.
5. The color and material palette for the buildings shall be determined at site plan review with specific regard to colors being muted and blending with, rather than

contrasting strongly, with the surrounding desert environment, as approved by the Planning and Development Department.

6. The applicant shall provide the Planning and Development Department with proof of legal access between the development and a public right-of-way prior to final plat approval. This access shall be sufficient to service a subdivision in accordance to the Subdivision Code in Chapter 32 of the City Code, as approved by the Planning and Development Department.
7. Roadway and drainage improvements pertaining to 47th Avenue shall conform to the design presented to the Army Corps of Engineers for application of the Section 408 permit, as approved by the Planning and Development Department.
8. The use of blasting, both on-site and off-site, for grading and construction shall be subject to the City of Phoenix Implosion/Demolition Policy (TRT 00590) and the Implosion/Demolition Checklist (TRT 00591) with specific regard to those sections related to blasting, as approved by the Planning and Development Department.
9. The use of blasting during on-site or off-site construction shall be subject to the review and approval by the City of Phoenix Water Services Department, and their regulatory agency Arizona Department of Water Resource. The developer shall provide evidence of this review and approval to the Planning and Development Department prior to the issuance of any blasting approvals on the site.
10. 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, as approved by the Aviation Department.
11. 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.
12. 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.
13. 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.
14. 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.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

REVIEWED BY:

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City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-6-19-1

**LEGAL DESCRIPTION  
CAMIS INC OVERALL BOUNDARY**

**APN'S 206-26-011, 206-26-012, 206-26-004J, 206-26-004K, 206-26-013**

A PORTION OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE STAMPED ADOT, ACCEPTED AS THE WEST QUARTER CORNER OF SAID SECTION 21, TOWNSHIP 4 NORTH, RANGE 2 EAST FROM WHICH A FOUND STONE, ACCEPTED AS THE NORTHWEST QUARTER OF SAID SECTION 21, TOWNSHIP 4 NORTH, RANGE 2 EAST, THEREOF BEARS N00°42'17"W A DISTANCE OF 2639.23 FEET;

THENCE, ALONG THE WEST LINE OF SAID SECTION 21, N00°42'17"W A DISTANCE OF 659.81 FEET;

THENCE, LEAVING THE WEST LINE OF SAID SECTION 21, N89°25'30"E A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING**;

THENCE, N00°42'17"W A DISTANCE OF 659.83 FEET;

THENCE, N00°42'17"W A DISTANCE OF 659.83 FEET TO THE NORTHWEST CORNER OF THIS SUBJECT PARCEL, ALSO BEING A POINT ON THE SOUTH BOUNDARY LINE OF A TRACT OF LAND FOR THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, APN 206-40-002;

THENCE, CONTINUING ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT OF LAND THE FOLLOWING NINE (9) CALLS:

1. N89°20'44"E A DISTANCE OF 1289.57 FEET;
2. S00°35'52"E A DISTANCE OF 660.71 FEET;
3. N89°23'05"E A DISTANCE OF 107.23 FEET;
4. N89°19'22"E A DISTANCE OF 192.69 FEET;
5. S00°37'56"E A DISTANCE OF 100.10 FEET;
6. N89°32'32"E A DISTANCE OF 310.01 FEET;
7. N89°23'05"E A DISTANCE OF 290.17 FEET;
8. N00°45'04"W A DISTANCE OF 100.74 FEET;
9. N89°23'05"E A DISTANCE OF 421.51 FEET TO THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 21;

THENCE, ALONG SAID NORTH-SOUTH MID-SECTION LINE, S00°29'37"E A DISTANCE OF 368.26 FEET TO

POINT ON A TRACT OF LAND FOR THE CITY OF PHOENIX, APN 206-26-004B;

THENCE, LEAVING SAID MID-SECTION LINE OF SAID SECTION 21 AND CONTINUING ALONG SAID TRACT OF LAND THE FOLLOWING TWO (2) CALLS:

1. S89°27'50"W A DISTANCE OF 785.15 FEET;
2. S00°29'45"E A DISTANCE OF 955.00 FEET TO THE SOUTHWEST CORNER OF SAID CITY OF PHOENIX TRACT OF LAND;

THENCE, LEAVING SAID TRACT OF LAND, S89°27'50"W A DISTANCE OF 533.88 FEET;

THENCE, N00°35'52"W A DISTANCE OF 660.70 FEET;

THENCE, S89°25'30"W A DISTANCE OF 1287.11 FEET TO THE **POINT OF BEGINNING**;

**THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 2,636,973 SQUARE FEET OR 60.537 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR 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 OTHER LAND DIVISION RESTRICTIONS.**

# ORDINANCE LOCATION MAP

EXHIBIT B

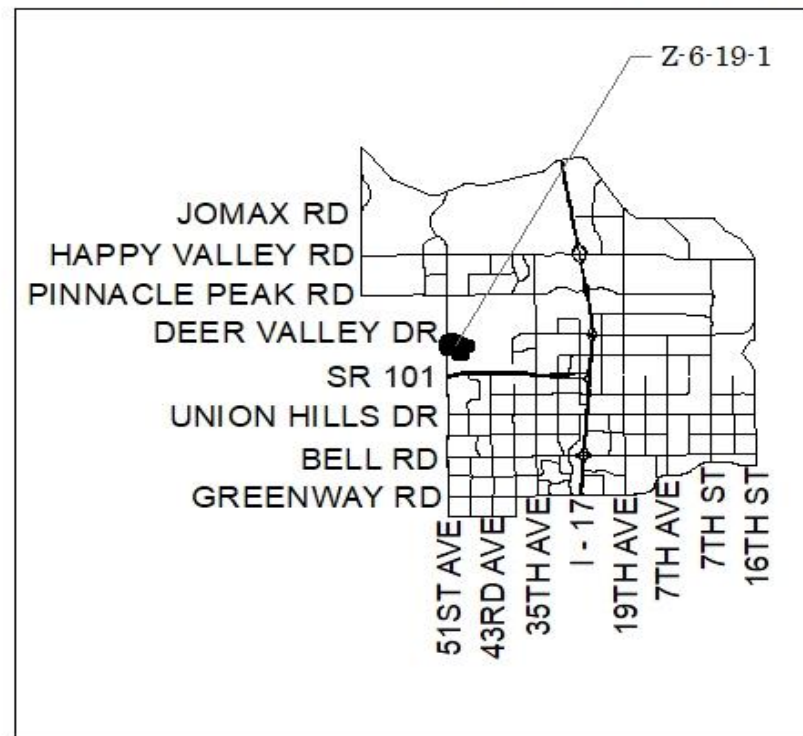
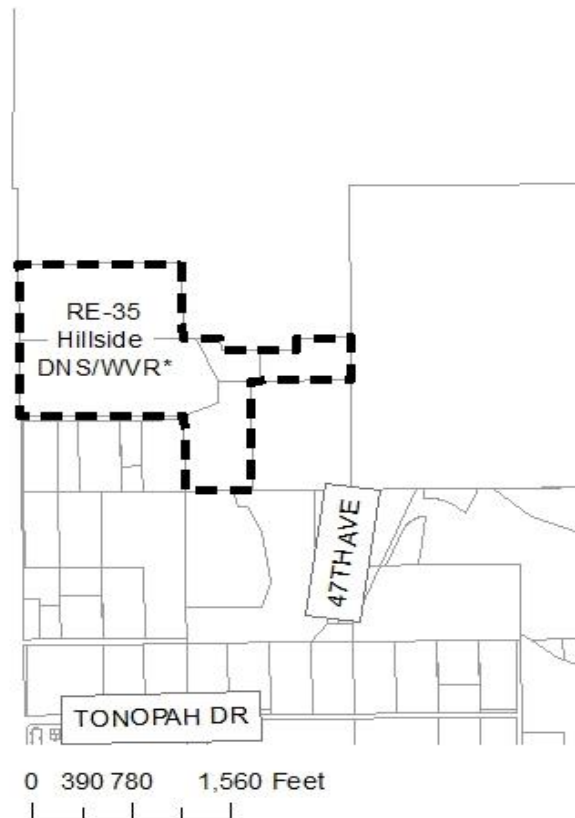
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-6-19-1

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 10/2/2019