

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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-13-22-8) FROM R-4 RI HP (MULTIFAMILY RESIDENCE DISTRICT, RESIDENTIAL INFILL DISTRICT, HISTORIC PRESERVATION OVERLAY) TO WU CODE T4:2 EG HP (WALKABLE URBAN CODE, TRANSECT 4:2 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA, HISTORIC PRESERVATION OVERLAY).

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

SECTION 1. The zoning of a 1.36-acre site located approximately 150 feet west of the northwest corner of 9th Street and Portland Street in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R-4 RI HP" (Multifamily Residence District, Residential Infill District, Historic Preservation Overlay), to "WU Code T4:2 EG HP" (Walkable Urban Code, Transect 4:2 District, Transit Eastlake-Garfield Character Area, Historic Preservation Overlay).

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. A minimum setback of 20 feet shall be required along the Portland Street frontage.
2. Existing trees located within the setback along the Portland Street frontage, shall be preserved in place, as approved or modified by the Planning and Development Department.
3. The maximum building height shall be 21 feet.
4. A minimum of 3 amenities shall be provided within the required common open space, such as, but not limited to swimming pools, tot lots, barbecue and picnic areas, game courts, jogging/parcours, or lawn/turf, as approved by the Planning and Development Department.
5. Bicycle parking pursuant to Section 1307.H.6 of the Zoning Ordinance shall be provided for the total units on the site. In addition, the development shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.
 - b. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
6. The developer shall maintain the existing width of the historic landscape area within the right-of-way and replenish the landscaping per the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department. Where utility conflicts exist, the

developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.
9. 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.
10. 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 12th day of October, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-13-22-8

LOTS 11 AND 13, AND THE WEST HALF OF LOT 15, BLOCK 2, BRILLS ADDITION AMENDED, RECORDS OF MARICOPA COUNTY, ALSO BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

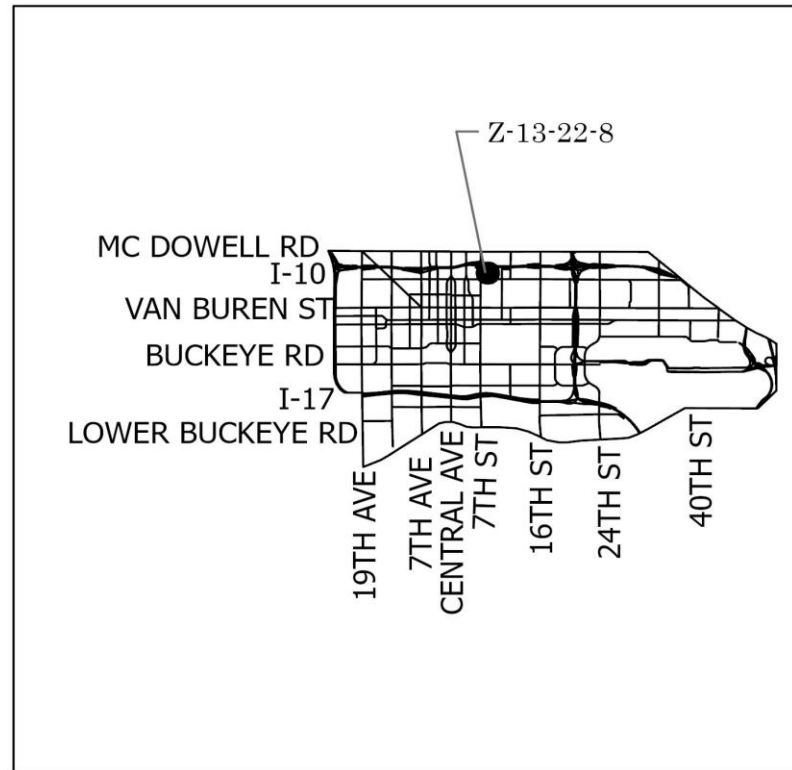
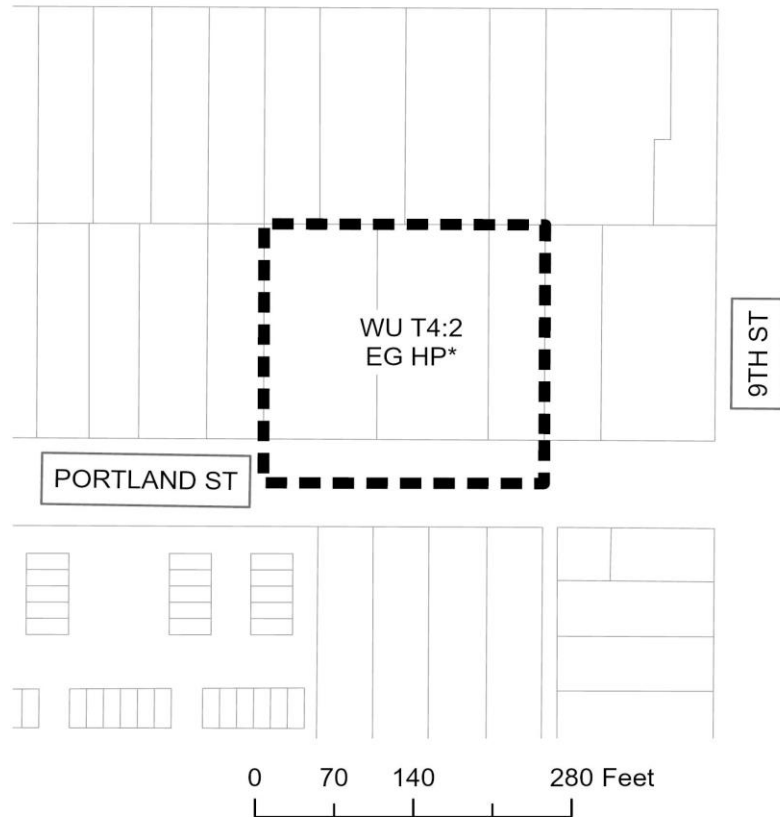
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ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-13-22-8
Zoning Overlay: N/A
Planning Village: Central City



NOT TO SCALE



Drawn Date: 9/12/2022