

## 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-2-19-4) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND P-1 (PARKING DISTRICT) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER, DENSITY WAIVER).

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

SECTION 1. The zoning of a 1.73-acre site located at the northeast corner of 12th Street and Highland Avenue in a portion of Section 21, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 1.43 acres of "C-2" (Intermediate Commercial District) and 0.30-acres of "P-1" (Parking District) to "C-2 HGT/WVR DNS/WVR" (Intermediate Commercial District, Height Waiver, 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. The development shall utilize the R-4 development standards.
2. The maximum building height shall be limited to 36 feet.
3. A minimum 80-foot building setback shall be provided along the eastern property line adjacent to the single-family zoning district.
4. A minimum 8-foot landscape shall be provided along the eastern property line adjacent to single-family zoning and shall be planted with minimum 3-inch caliper trees to provide screening, as approved by Planning and Development Department.
5. The building shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
6. The development shall include the following elements on the western frontage side along 12th Street, as approved by the Planning and Development Department:
  - a. There shall be decorative view fencing along the open space area that is consistent with the balcony railings as depicted on the elevations and renderings date stamped May 1, 2019 and May 22, 2019.
  - b. A minimum of 40% of the perimeter wall shall be decorative breeze block.
  - c. All individual units shall contain balconies that are a minimum of 8 feet in depth and a minimum of 12 feet in width.
7. A minimum of 400 square feet of the centralized open space area shall be shaded at a minimum of 75% as measured on the summer solstice at noon, and as approved by the Planning and Development Department.
8. The sidewalks along Highland Avenue, Elm Street and 12th Street shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include minimum 3-inch caliper shade trees planted a minimum of 20 feet on center, or in equivalent groupings on either side of the sidewalk, as approved by the Planning and Development Department. Date

Palm trees shall be planted between the shade trees within the detached landscape strip along 12th Street, and may be planted along Elm Street.

9. Any off street surface parking adjacent to 12th Street must be located behind a building, as approved by Planning and Development.
10. A minimum of 10% of the interior surface parking lot area shall be shaded with landscaping, as measured on the summer solstice at noon, and as approved by the Planning and Development Department.
11. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the building, installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
12. A 20-foot-wide radius right-of-way shall be provided at the northeast intersection of 12th Street and Highland Avenue.
13. 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.
14. The developer shall dedicate right-of-way and construct a bus pad along northbound 12th Street, north of Highland Avenue. The bus stop pad shall be constructed in accordance with City of Phoenix Standards Detail P1260 with a minimum depth of 10 feet, as approved by the Public Transit Department.
15. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
16. 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.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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 4th day of September 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

REVIEWED BY:

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

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-2-19-4

**LEGAL DESCRIPTION**

LOTS 1,2,3,4 AND 5, BLOCK 1, OF HAYES TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 6 OF MAPS, PAGE 9;

EXCEPT THE WEST 10.00 FEET OF SAID LOTS 1 AND 2

LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORHT, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIDAN, MARICOPA COUNTY, ARIZONA

# ORDINANCE LOCATION MAP

EXHIBIT B

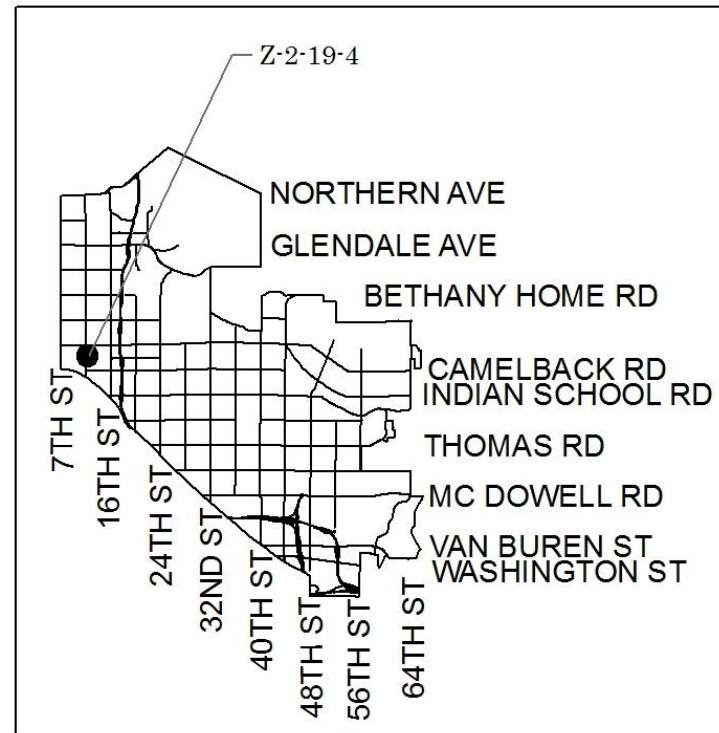
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■



0 62.5 125 250 Feet

Zoning Case Number: Z-2-19-4  
Zoning Overlay: N/A  
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 8/2/2019