

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-78-18-2) FROM R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 0.95 acre property located approximately 100 feet north of the northwest corner of 7th Avenue and Anderson Drive in a portion of Section 31, Township 4 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from R1-8 (Single-Family Residence District) to R-2 (Multifamily Residence 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 development shall not exceed 9 units.
2. Perimeter fences or walls adjacent to the wash shall be view fencing. Any solid portion of the wall shall not exceed 4 feet in height, as approved by the Planning and Development Department.
3. Drought tolerant, 3-inch caliper trees 20 feet on center or in equivalent groupings shall be provided in the required landscape setback along 7th Avenue, as approved by the Planning and Development Department.
4. All dwelling units shall have covered porches, which face the front, and are a minimum of 60 square feet in area with a depth of at least 6 feet, as approved by the Planning and Development Department.
5. There shall be no second floor balconies adjacent to the southern property boundary, as approved by the Planning and Development Department.
6. The right-of-way shall be dedicated and a bus bay (per City of Phoenix Standard Detail #P1260) constructed at the intersection of 7th Avenue and project driveway (per City of Phoenix Standard Detail P1258), as approved by the Planning and Development Department.
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 Deer Valley 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. The applicant, or its successor, shall prepare the appropriate FEMA documentation necessary to obtain a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) at time of plan submittal as approved by the Planning and Development Department.
10. 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.

11. The developer shall install two additional Ficus Nitida trees in the south landscape setback abutting the single-family subdivision.
12. 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 3rd day of April, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-78-18-2

LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31;

THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS WEST ALONG THE SOUTHERLY LINE OF SECTION 31 AND THE CENTERLINE OF BELL ROAD A DISTANCE OF 372.50 FEET TO A POINT;

THENCE NORTH 00 DEGREES 03 MINUTES 00 SECONDS WEST PARALLEL TO AND 372.50 FEET DISTANT FROM THE EAST LINE OF SECTION 31 AND THE CENTERLINE OF 7TH AVENUE IT DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF BELL ROAD, SAID POINT BEING TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 03 MINUTES 00 SECONDS WEST A DISTANCE OF 851.05 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, FROM WHICH THE RADIUS POINT BEARS NORTH 89 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 415.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 60 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 434.59 FEET TO A POINT OF TANGENCY;

THENCE NORTH 59 DEGREES 57 MINUTES 00 SECONDS EAST A DISTANCE OF 127.01 FEET TO POINT ON THE WESTERLY RIGHT OF WAY OF 7TH AVENUE;

THENCE SOUTH 00 DEGREES 03 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY PARALLEL TO AND 55.00 FEET DISTANT FROM THE EASTERLY LINE OF SECTION 31, A DISTANCE OF 1272.29 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF BELL ROAD;

THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS ALONG SAID RIGHT OF WAY PARALLEL TO AND 75.00 FEET DISTANCE FROM THE SOUTHERLY LINE OF SECTION 31 A DISTANCE OF 317.50 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THAT PARCEL OF LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND

MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 31;

THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS WEST ALONG THE SOUTHERLY LINE OF SECTION 31 AND THE CENTERLINE OF BELL ROAD A DISTANCE OF 372.50 FEET TO A POINT;

THENCE NORTH 00 DEGREES 03 MINUTES 00 SECONDS WEST PARALLEL TO AND 372.50 FEET DISTANT FROM THE EAST LINE OF SECTION 31 AND THE CENTERLINE OF 7TH AVENUE A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF BELL ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 03 MINUTES 00 SECONDS WEST A DISTANCE OF 525.00 FEET TO A POINT;

THENCE NORTH 89 DEGREES 39 MINUTES 00 SECONDS EAST A DISTANCE OF 317.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF 7TH AVENUE 55.00 FEET DISTANT FROM THE EAST LINE OF SECTION 31;

THENCE SOUTH 00 DEGREES 03 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY PARALLEL TO AND 55.00 FEET DISTANT FROM THE EAST LINE OF SECTION 31 A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF BELL ROAD;

THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS WEST ALONG SAID RIGHT OF WAY PARALLEL TO AND 75.00 FEET DISTANT FROM THE SOUTH LINE OF SECTION 31 A DISTANCE OF 317.50 FEET TO THE TRUE POINT OF BEGINNING; AND

EXCEPT ANY PORTION LYING WITHIN THE FINAL PLAT FOR ALCOVE ON 7TH AVENUE, ACCORDING TO THE PLAT OF RECORDED IN THE OFFICE OF THE COUNTY RECORDER RECORDED IN BOOK 896 OF MAPS, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA.

TOGETHER WITH:

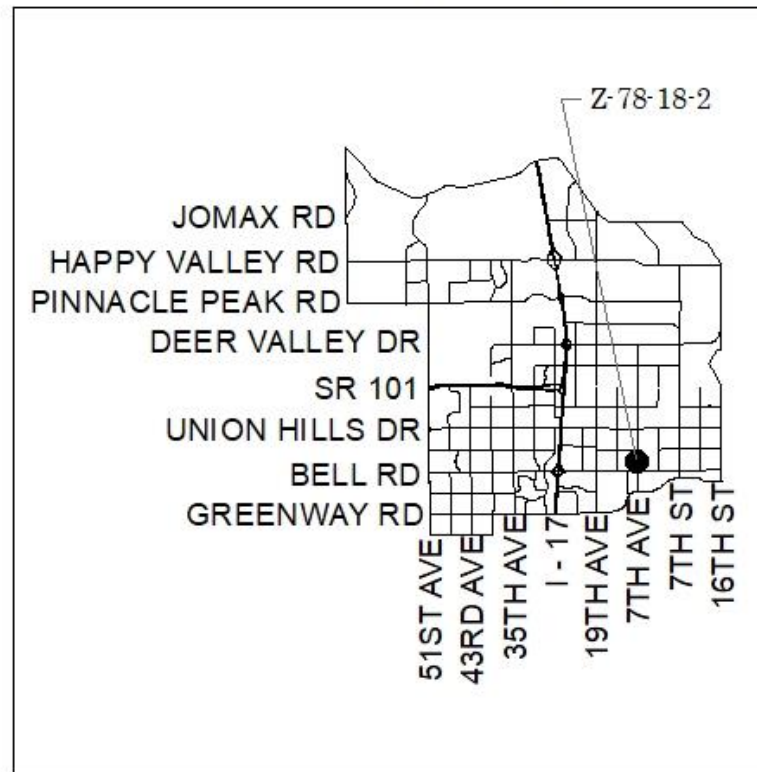
THAT PORTION OF TRACT "B" ALCOVE AS RECORDED IN WARRANTY DEED 2016- MARICOPA COUNTY RECORDS, MARICOPA COUNTY, ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z 78 18 2
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 3/5/2019