

## 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-48-23-6) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-O (RESIDENTIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 0.42-acre site located at the northwest corner of 44th Street and Earll Drive in in a portion of Section 30, Township 2 North, Range 4 East, as described more specifically in Exhibit “A,” is hereby changed from “R1-6” (Single-Family Residence District) to “R-O” (Residential Office – Restricted Commercial 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 required building setbacks along Earll Drive and 44th Street shall be planted with minimum 2-inch caliper trees planted 20 feet on center or in equivalent groupings, with drought-tolerant shrubs, accents, and vegetative groundcovers, as approved by the Planning and Development Department.
  2. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
  3. Two required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
  4. A minimum of 10 percent of the required parking spaces shall include Electric Vehicle (EV) Capable infrastructure, as approved by the Planning and Development Department.
  5. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping or a combination of the two to provide a minimum 75 percent shade, as approved by the Planning and Development Department.
  6. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot wide landscape strip located between the back of curb and sidewalk shall be provided on the west side of 44th Street, planted to the following standards and as approved by the Planning and Development Department.
    - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
    - b. Drought tolerant shrubs, accents and vegetative groundcovers to achieve a minimum of 75 percent live vegetative ground coverage at maturity.
- Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
7. A minimum 5-foot-wide attached sidewalk shall be provided along Earll Drive, as approved by the Planning and Development Department.
  8. The developer shall dedicate a minimum 10-foot-wide sidewalk easement for the west side of 44th Street, adjacent to the development.

9. All streets within and adjacent to the development shall be constructed 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.
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. 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 3rd day of January, 2024.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-48-23-6

WITHIN A PORTION OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

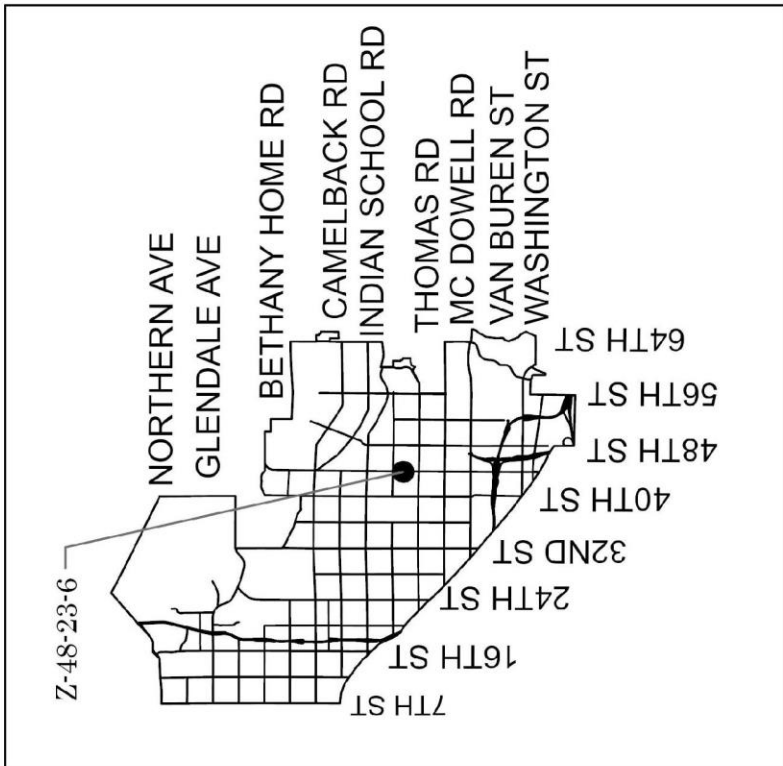
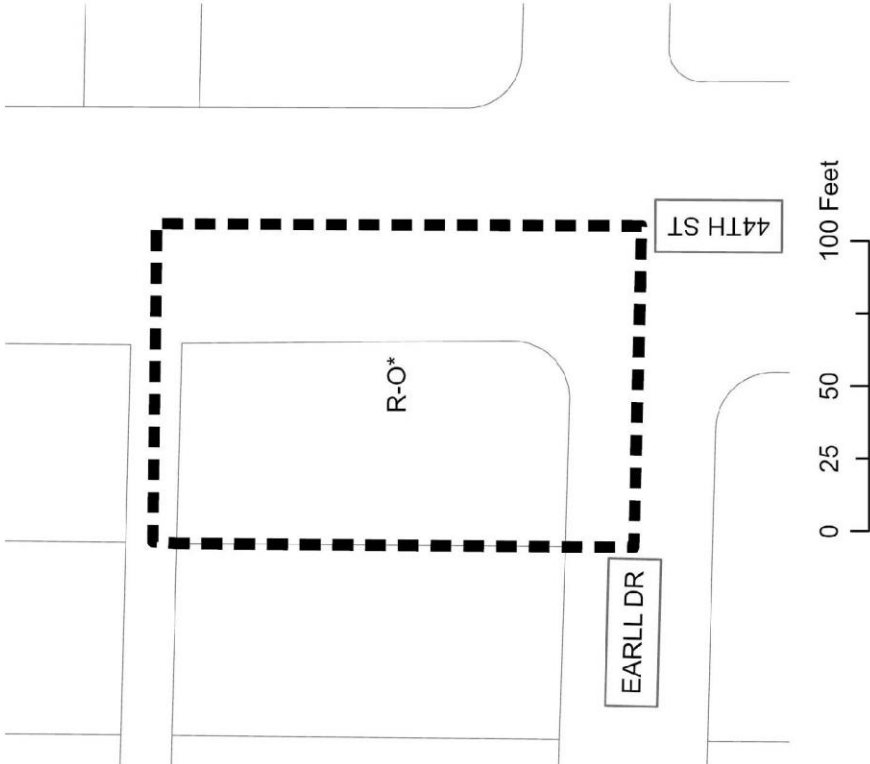
LOT 53, OF LEROY VISTA, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 48 OF MAPS, PAGE 38.

# ORDINANCE LOCATION MAP

## EXHIBIT B

Zoning Case Number: Z-48-23-6  
 Zoning Overlay: N/A  
 Planning Village: Camelback East

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



NOT TO SCALE



Drawn Date: 12/4/2023