

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-11-22-5) FROM RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 20.16-acre site located on the northeast corner of 107th Avenue and Missouri Avenue in a portion of Section 17, Township 2 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "RE-35" (Single-Family Residence District), to "R1-18" (Single-Family 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 be in general conformance with the conceptual site plan date stamped February 22, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. All lots in the development shall be subject to Single-Family Design Review.
3. The maximum building height shall be 21 feet.
4. The landscape setback along 107th Avenue and Missouri Avenue shall be planted with a minimum 75% 2-inch caliper trees and minimum 25% 3-inch caliper or multi-trunk trees, as approved by the Planning and Development Department
5. A minimum of 10% percent of the gross site area shall be retained as common area, as approved by the Planning and Development Department.
6. The common open space area shall provide a minimum of 3 active recreational elements, such as, but not limited to, playground sets, ramadas, or a barbeque area, as approved by the Planning and Development Department.
7. All sidewalks shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper single-trunk shade trees, as approved by the Planning and Development Department.
8. 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.
9. The developer shall dedicate 40-feet of right-of-way and construct the east side of 107th Avenue, as approved or modified by the Planning and Development Department.
10. The developer shall dedicate minimum 30-feet of right-of-way and construct the north side of Missouri Avenue, as approved by the Planning and Development Department.
11. The developer shall underground existing electrical utilities within the public right-of-way that are impacted or those that require relocation as part of the

project. The developer shall be responsible for coordinating with affected utilities for review and permitting.

12. The developer shall underground all existing irrigation facilities along 107th Avenue outside of City of Phoenix right-of-way. The developer shall contact SRP to identify existing land rights and establish the appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
13. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. 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. The disclosures shall be noted in the CC&Rs in a section titled "nuisances".
14. The developer shall provide a No Hazard Determination for proposed development for the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to Planning and Development Department's preliminary plat approval.
15. The developer shall dedicate to the City of Phoenix an avigation easement for the site, per the form and content prescribed by the City Attorney, prior to Planning and Development Department preliminary plat approval. The developer shall also dedicate and record an avigation easement in favor of the City of Glendale in the form submitted to the City of Phoenix. The avigation easements shall be noted in the CC&Rs in a section titled "airport nuisances".
16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Airport to future owners and 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, and in accordance with State law requiring airport disclosure.
17. The developer's engineer of record shall certify and note on the preliminary and final plats as well as relevant construction drawings that the proposed residential construction shall achieve a maximum interior noise level of 45 decibels (DNL).
18. 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.

19. 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.
20. 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.
21. 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 1st day of July,
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)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-11-22-5

PARCEL NO. 1: The East 258.00 feet of the South half of the Southwest quarter of the Northwest quarter of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 2: The West 258.00 feet of the East 516.00 feet of the South half of the Southwest quarter of the Northwest quarter of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 3: The West 258.00 feet of the East 774.00 feet of the South half of the Southwest quarter of the Northwest quarter of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 4: The West 258 00 feet of the East 1032.00 feet of the South half of the Southwest quarter of the Northwest quarter of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 5: The South half of the Southwest quarter of the Northwest quarter of Section 17, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; EXCEPT the East 1032.00 feet thereof; and EXCEPT the West 33.00 feet.

ORDINANCE LOCATION MAP

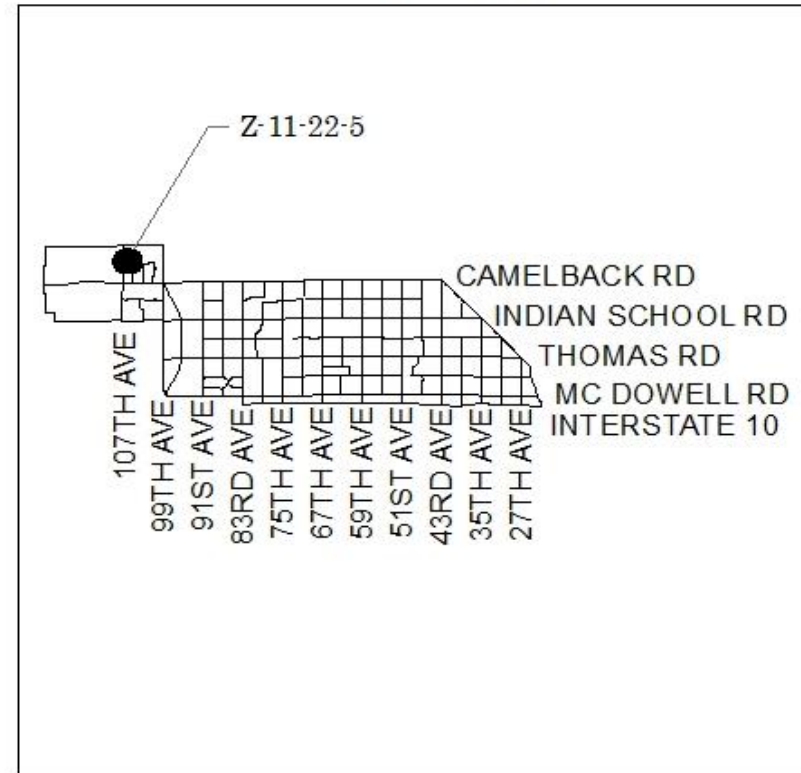
EXHIBIT B

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

Zoning Case Number: Z-11-22-5
Zoning Overlay: N/A
Planning Village: Maryvale



0 625 1,250 2,500 Feet



NOT TO SCALE



Drawn Date: 5/31/2022