

## 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 STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-29-20-6 PREVIOUSLY APPROVED BY  
ORDINANCE G-6804.

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

SECTION 1. The zoning stipulations applicable located at the  
Southeast corner of 44th Street and Calle Allegre in a portion of Section 19,  
Township 2 North, Range 4 East, as described more specifically in Attachment "A",  
are hereby modified to read as set forth below.

#### STIPULATIONS:

1. The development shall be in general conformance with the elevations date stamped JANUARY 9, 2024 ~~June 11, 2020~~, with specific regard to use of brick veneer and VERTICAL ~~horizontal~~ siding, the locations and size of windows, and roof design, as approved by the Planning and Development Department.
2. The required landscape setback along 44th Street shall be planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 20 feet on center or in equivalent groupings to provide a minimum of 50 percent shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers to provide a minimum of 75 percent live coverage at maturity.

3. A minimum 10-foot landscape setback shall be provided along the northeastern property line, EXCEPT FOR THE PORTION DIRECTLY ADJACENT TO THE BUILDING FAÇADE WHICH MAY BE REDUCED TO 5-FEET TO ALLOW SUB-GRADE WINDOW WELLS, AS DEPICTED ON THE SITE PLAN DATE STAMPED JANUARY 9, 2024, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~where the property abuts a single-family home~~. The landscape setback shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. A minimum of two inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan) or "Outdoor/Covered Facilities" for guests and employees shall be provided. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H. of the Zoning Ordinance, and approved by the Planning and Development Department.
5. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
6. The developer shall provide a 10-foot sidewalk easement along the east side of 44th Street, as approved by the Planning and Development Department.
7. The developer shall construct a driveway along 44th Street that is located centrally along the frontage and constructed at a 90-degree angle with a skew no greater than 15 degrees, as approved by the Street Transportation 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. This parcel is located in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1765 L of the Flood Insurance Rate Maps (FIRM) revised July 31, 2015.
  - a. No encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries.
  - b. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following

the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

- c. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.
  - d. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
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 property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International 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.
  12. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary and permanent development prior to final site plan approval.
  13. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6804 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6804 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 May, 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)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-24--Z-29-20-6

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

LOT 29, REGENTS PARK, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 4 EAST, ACCORDING TO PLAT OF RECORD FOR MARICOPA COUNTY, BOOK 63, PAGE 40, AT TOWNSHIP AND RANGE GRID NUMBER 825, EXCEPT THE NORTHEAST 4 FEET AS MEASURED PARALLEL TO THE NORTHEAST EDGE ALONG RIGHT ANGLES TO SAME.

## EXHIBIT B

Zoning Case Number: PHO-1-24--Z-29-20-6  
Zoning Overlay: N/A  
Planning Village: Camelback East

## Planning Village: Camelback East

