

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-49-20-3) FROM R1-6 (SINGLE-FAMILY RESIDENCE) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 1.11 acre site located approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue in a portion of Section 13, Township 3 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R1-6” (Single-Family Residence District) to “R-3” (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 maintain a minimum 50-foot building setback, exclusive of carports and perimeter walls, from the southern site boundary where adjacent to R1-6 zoning.
2. The maximum building height shall be limited to 2 stories and 30 feet.
3. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
4. All elevations of the building(s) shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, pitched roofs and/or overhang canopies, as approved by the Planning and Development Department.
5. The required landscape setbacks shall include minimum 2-inch caliper large canopy shade trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
6. Where a landscaped median is provided within the ingress or egress to the site, a landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.
7. Perimeter walls shall be constructed to the following standards, as approved by the Planning and Development Department.
 - a. Perimeter walls visible from public streets shall have a finished appearance compatible with primary structures that includes material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs.
 - b. A combination of solid masonry wall not exceeding 4 feet in height, and wrought iron view fencing or similar material shall be utilized along the eastern property lines where open space is adjacent to the drainage channel/floodway (Indian Bend Wash) east of the site.
8. Clearly defined, accessible pedestrian pathways shall be provided connecting all building entrances and exits, community amenity areas, and all public sidewalks

utilizing the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.

9. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Pedestrian walkways, including adjacent public sidewalks, shall be shaded to a minimum of 75 percent, as approved by the Planning and Development Department.
11. A minimum of two inverted U-bicycle racks or artistic style racks shall be provided, located near the main building entrance. All bicycle racks shall adhere to Appendix K, "Outdoor/Open Facilities", of the Comprehensive Bicycle Master Plan, and as approved by the Planning and Development Department.
12. The developer shall construct a minimum 45-foot radius cul-de-sac at the terminus of 34th Street, as approved by the Planning and Development Department.
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. A portion of this parcel is located in a Special Flood Hazard Area (SFHA) called Zone AE Floodplain, on panels 1735L of the Flood Insurance Rate Map (FIRM) revised December 22, 2017. If the plans show no building and/or construction encroachment including fill within this portion of the site in the SFHA, then no floodplain requirements will be required. If encroachment does occur, then the following requirements must be met, as approved by the Planning and Development Department:
 - a. 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.
 - b. A copy of the Grading and Drainage Plan needs to 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.
15. 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.

16. 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 2021.

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-49-20-3

THAT PART OF LOT 4, OASIS ACRES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 45 OF MAPS AT PAGE 20, LOCATED WITHIN THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4;

THENCE SOUTH 00 DEGREES 22 MINUTES 14 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 35.58 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 87 DEGREES 42 MINUTES 58 SECONDES EAST A DISTANCE OF 35.07 FEET;

THENCE SOUTH 68 DEGREES 11 MINUTES 59 SECONDES EAST A DISTANCE OF 31.89 FEET;

THENCE SOUTH 42 DEGREES 07 MINUTES 39 SECONDES EAST A DISTANCE OF 56.86 FEET;

THENCE SOUTH 23 DEGREES 07 MINUTES 56 SECONDES EAST A DISTANCE OF 77.99 FEET;

THENCE SOUTH 20 DEGREES 06 MINUTES 12 SECONDES EAST A DISTANCE OF 75.10 FEET;

THENCE SOUTH 25 DEGREES 10 MINUTES 24 SECONDES EAST A DISTANCE OF 58.75 FEET;

THENCE SOUTH 20 DEGREES 54 MINUTES 49 SECONDES EAST A DISTANCE OF 46.86 FEET;

THENCE SOUTH 89 DEGREES 04 MINUTES 46 SECONDES WEST A DISTANCE OF 199.07 FEET TO A POINT IN THE WEST LINE OF SAID LOT 4;

THENCE NORTH 00 DEGREES 22 MINUTES 14 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 297.82 FEET TO THE POINT OF BEGINNING;

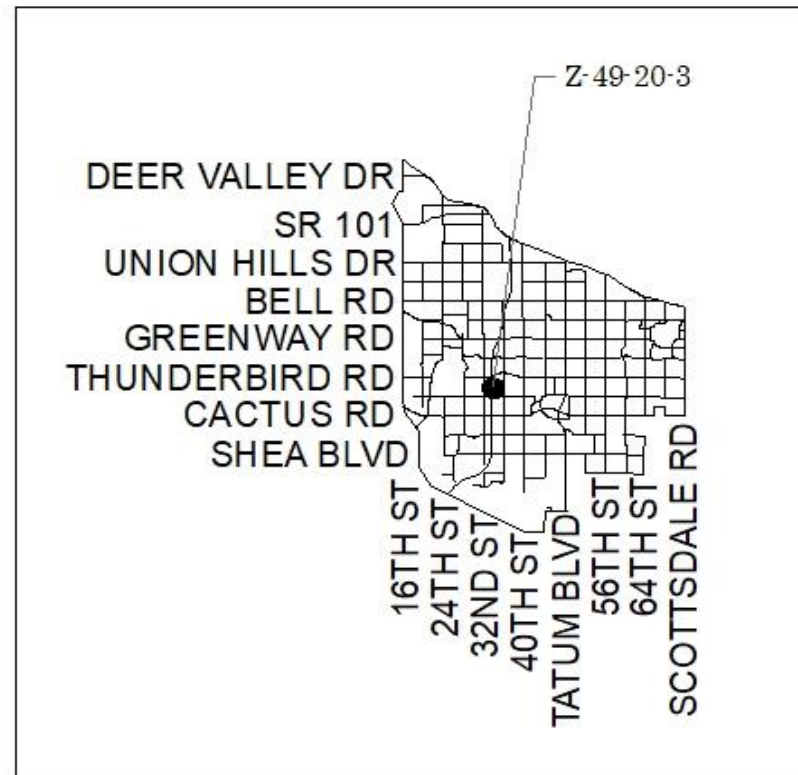
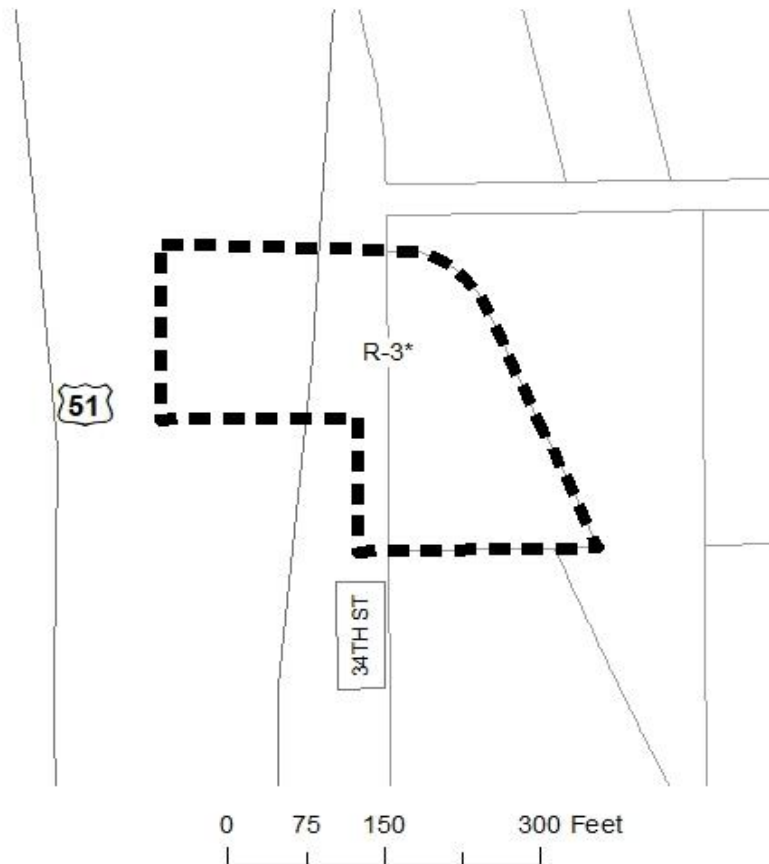
EXCEPT THAT PORTION CONVERVED TO CITY OF PHOENIX, RECORDED FEBRUARY 18, 2016 IN RECORDING NO 2016-103579, RECORDS OF MARICOPA COUNTY, ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-49-20-3
Zoning Overlay: N/A
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 5/28/2021