

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 (Z-79-22-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO R-4 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 1.62-acre site located approximately 200 feet northwest of the northwest corner of 12th Street and Turney Avenue, in a portion of Section 21, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District) to "R-4" (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 be in general conformance with the elevations date stamped October 19, 2022 as approved by the Planning and Development Department.
2. The developer shall construct a minimum 5-foot-wide sidewalk along the north side of Turney Avenue, as approved by the Planning and Development Department.
3. The developer shall provide bicycle parking and/or storage as required by Chapter 13, Section 1307.H, as approved by the Planning and Development Department.
4. The developer shall deposit \$25,000 in an escrow account to the Street Transportation Department prior to preliminary site plan approval for the purposes of upgrading the pedestrian crossing along the Grand Canal and 12th Street.
5. 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.
6. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Sky Harbor 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.
7. 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.
8. 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.
9. 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.
10. 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 March, 2023.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

Within a portion of Section 21, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

PARCEL NO. 1:

Lot 1, of CAROLYN PLACE, according to the plat recorded in Book 36 of Maps, page 4, records of Maricopa County, Arizona.

PARCEL NO. 2:

That part of Lot 34, of LA VETA PLACE, according to the plat recorded in Book 7 of Maps, page 12, records of Maricopa County, Arizona, described as follows:

BEGINNING at the Southeast corner of said La Veta Place;

Thence Westerly, along the North line of Lot 1, of Carolyn Place, according to the plat recorded in Book 36 of Maps, page 4, records of Maricopa County, Arizona, and being the South line of said La Veta Place to the Northwest corner of Lot 1 of said Carolyn Place to the Northeast boundary of said La Veta Place;

Thence North along a line determined by a straight extension of the West line of Lot 1 of said Carolyn Place to the Northeast boundary of said La Veta Place;

Thence Southeasterly to the point of beginning along the Northerly boundary line of said La Veta Place and the Southwesterly right of way line of the Grand Canal, as shown in Book 7 of Maps, page 12, records of Maricopa County, Arizona.

ORDINANCE LOCATION MAP

EXHIBIT B

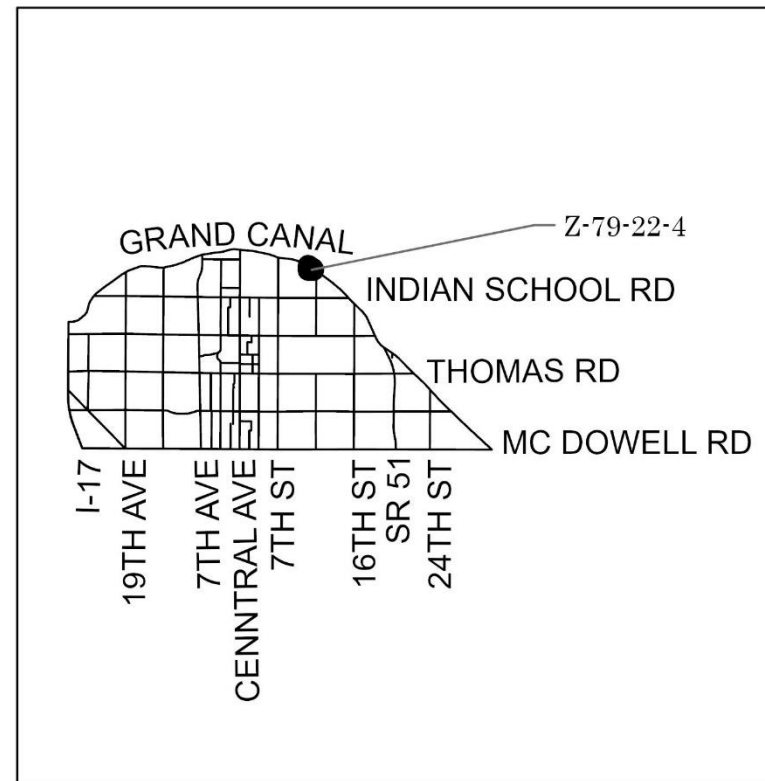
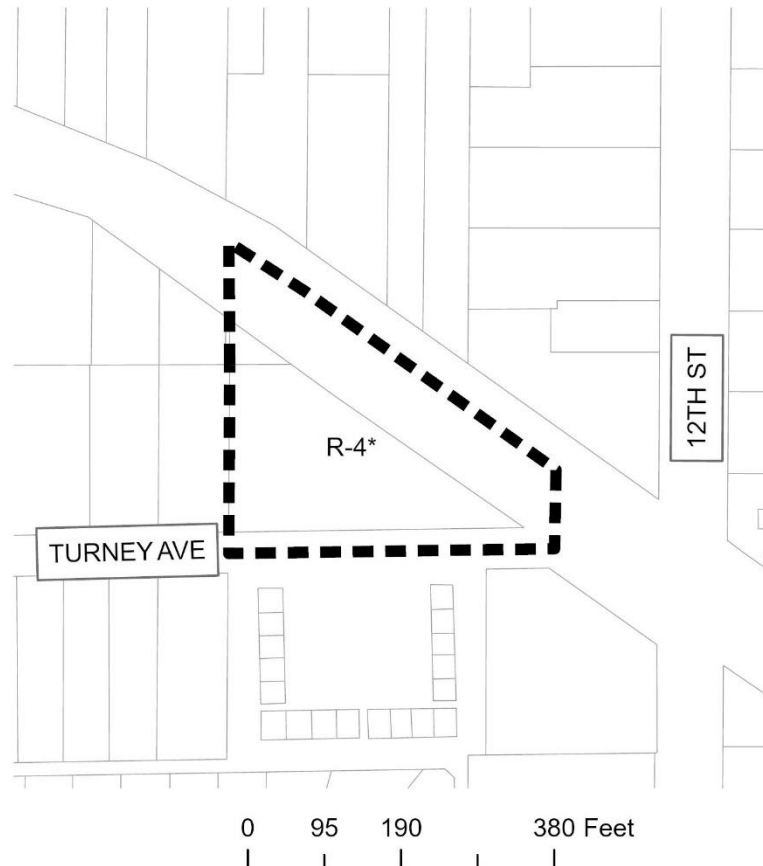
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-79-22-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 1/30/2023