

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-90-18-1) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND S-1 (RANCH OR FARM RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 55.42-acre property located at the northwest corner of 43rd Avenue and Circle Mountain Road in a portion of Section 4, Township 6 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from S-1 (Ranch or Farm Residence District) to 46.81 acres of R1-6 (Single-Family Residence District) and 8.61 acres of S-1 (Ranch or Farm 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 site plan, conceptual landscape plan (including a plant list), conceptual master wall plan, conceptual entry plan date stamped April 15, 2019 and the conceptual trail plan date stamped April 22, 2019, as modified by the following stipulations and as approved by the Planning and Development Department.
2. Lots adjacent to the southern property line (lots 4 through 17 shown on the site plan date stamped April 15, 2019) shall be limited to one-story and twenty feet in height, as approved by the Planning and Development Department.
3. All homes shall incorporate the following elements, as approved by the Planning and Development Department:
 - a. Every 20 linear feet on each story there shall be an architectural embellishment, structural relief, window or similar element, as approved by the Planning and Development Department.
 - b. All windows shall either be recessed a minimum of 2 inches or have a decorative pop-out at a minimum of 2 inches on all four sides of the home, as approved by the Planning and Development Department.
 - c. Covered porches a minimum of 60 square feet in area shall be provided in the front yard of 50% of the homes that are offered in the subdivision. No porch shall terminate within the plane of a door or window.
4. There shall be landscape lighting, with a maximum height of 4 feet, provided within the multi-use DG trail and the 6-foot DG trail, placed a minimum of 20 feet on center, as approved by the Planning and Development Department.
5. There shall be a minimum of 10 percent of common area provided, including washes and hillside areas, exclusive of required landscape setbacks, as approved by the Planning and Development Department.
6. Common area open space between lots shall be a minimum of 25 feet in width, as approved by the Planning and Development Department.
7. All detached sidewalks, in locations depicted on the Conceptual Trail Plan date stamped April 22, 2019, shall provide a 5-foot minimum landscape strip located between the sidewalk and back of curb. The landscape strip shall include a minimum 2-inch caliper shade trees planted 20 feet on center or equivalent groupings, as approved by the Planning and Development Department.
8. A minimum 10-foot public multi-use trail shall be constructed within a 20-foot easement in accordance with MAG supplemental detail 429 along the western

portion of the site on the bank of the New River Wash, adjacent to the lots, or comparable, as approved by the Parks and Recreation Department.

9. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.
10. Drainage channels and the New River Wash shall be designed to look natural in the desert setting through color, texture, landscaping or other means and shall be revegetated, as approved by the Planning and Development Department.
11. All right-of-way easements and existing street improvements shall be dedicated as right-of-way, as approved by the Planning and Development Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter sidewalk, curb ramps, driveways, 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.
13. The developer shall provide for dry crossings within the internal street network such that all parcels are accessible during a 100-year storm event consistent with the Storm Water Policies and Standards. Secondary routes may be designed to a lesser standard, as approved by the Planning and Development Department.
14. 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.
15. 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.
16. 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.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
18. The development shall not exceed 170 lots.
19. The minimum lot width shall be 50 feet.

20. Any lift station shall be located a minimum of 160 feet from the south property line, as approved by the Planning and Development Department.

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 July, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (7 Pages)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-90-18-1

**R1-6 REZONE
LEGAL DESCRIPTION**

That parcel of land being situated within the Southeast quarter of Section 4, Township 6 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch brass cap flush accepted as the East Quarter corner of said Section 4 from which a found 3 inch brass cap accepted as the Southeast corner thereof bears South 00°04'22" East, 2638.93 feet;

Thence South 00°04'22" East, 121.34 feet along the east line of the Southeast Quarter of said Section 4 to the **POINT OF BEGINNING**;

Thence continuing along said east line, South 00°04'22" East, 2517.58 feet to said brass cap flush accepted as the Southeast corner of said Section 4;

Thence North 89°35'54" West, 1049.88 feet along the south line of said Southeast quarter;

Thence leaving said south line, Thence North 00°27'44" East, 120.96 feet;

Thence North 57°04'14" East, 49.25 feet to a non-tangent curve, concave northeasterly, having a radius of 57.00 feet, the center of which bears North 56°05'56" East;

Thence northwesterly along said curve, through a central angle of 33°33'17", an arc length of 33.38 feet to a non-tangent line;

Thence North 77°10'22" West, 125.38 feet;

Thence North 12°49'38" East, 60.00 feet;

Thence South 77°10'22" East, 8.88 feet;

Thence North 12°49'38" East, 440.00 feet;

Thence North 77°10'22" West, 13.17 feet;

Thence North 12°49'38" East, 60.00 feet;

Thence South 77°10'22" East, 119.77 feet to a non-tangent curve, concave southeasterly, having a radius of 56.99 feet, the center of which bears South 77°03'28" East;

Thence northeasterly along said curve, through a central angle of $97^{\circ}02'45''$, an arc length of 96.53 feet to a point of reverse curvature, concave northeasterly, having a radius of 29.98 feet;

Thence southeasterly along said curve, through a central angle of $19^{\circ}31'57''$, an arc length of 10.22 feet to a tangent line;

Thence South $89^{\circ}32'16''$ East, 72.11 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 320.00 feet;

Thence northeasterly along said curve, through a central angle of $07^{\circ}50'18''$, an arc length of 43.78 feet to a non-tangent line;

Thence North $33^{\circ}04'38''$ East, 15.69 feet;

Thence North $14^{\circ}51'14''$ West, 79.94 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 220.00 feet;

Thence northwesterly along said curve, through a central angle of $16^{\circ}04'09''$, an arc length of 61.70 feet to a tangent line;

Thence North $30^{\circ}55'23''$ West, 42.27 feet;

Thence South $59^{\circ}04'37''$ West, 125.00 feet;

Thence North $30^{\circ}48'37''$ West, 136.30 feet;

Thence North $12^{\circ}04'02''$ West, 102.55 feet;

Thence North $02^{\circ}12'04''$ East, 105.67 feet;

Thence North $21^{\circ}46'36''$ East, 133.94 feet;

Thence South $68^{\circ}13'24''$ East, 125.00 feet;

Thence North $21^{\circ}46'36''$ East, 157.61 feet;

Thence North $68^{\circ}13'24''$ West, 125.00 feet;

Thence North $21^{\circ}46'36''$ East, 184.79 feet;

Thence North $16^{\circ}59'14''$ East, 58.83 feet;

Thence North $14^{\circ}00'07''$ East, 119.88 feet;

Thence North $14^{\circ}13'42''$ East, 63.55 feet;

Thence North $19^{\circ}19'29''$ East, 71.85 feet;

Thence North $21^{\circ}46'36''$ East, 119.63 feet;

Thence North $10^{\circ}57'51''$ East, 55.54 feet;

Thence North $03^{\circ}27'08''$ East, 60.94 feet;

Thence North $89^{\circ}55'38''$ East, 126.20 feet to a non-tangent curve, concave northeasterly, having a radius of 57.00 feet, the center of which bears North $76^{\circ}49'18''$ East;

Thence northeasterly along said curve, through a central angle of $122^{\circ}37'30''$, an arc length of 121.99 feet to a point of reverse curvature, concave northeasterly, having a radius of 30.00 feet;

Thence southeasterly along said curve, through a central angle of $19^{\circ}31'10''$, an arc length of 10.22 feet to a tangent line;

Thence North $89^{\circ}55'38''$ East, 23.93 feet;

Thence North $00^{\circ}04'22''$ West, 125.00 feet;

Thence North $89^{\circ}55'38''$ East, 190.00 feet;

Thence North $69^{\circ}51'42''$ East, 3.38 feet to a non-tangent curve, concave southwesterly, having a radius of 30.00 feet, the center of which bears South $69^{\circ}51'42''$ West;

Thence northwesterly along said curve, through a central angle of $47^{\circ}38'36''$, an arc length of 24.95 feet to a point of reverse curvature, concave northeasterly, having a radius of 57.00 feet;

Thence northwesterly along said curve, through a central angle of $192^{\circ}42'58''$, an arc length of 191.72 feet to a non-tangent line;

Thence North $39^{\circ}58'00''$ East, 26.38 feet;

Thence North $89^{\circ}55'38''$ East, 147.67 feet to the foresaid east line of the Southeast Quarter of said Section 4 being the **POINT OF BEGINNING**.

The above described parcel contains a combined computed area of 2,041,732 sq. ft. (46.872 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

**S1 - REZONE
LEGAL DESCRIPTION**

That parcel of land being situated within the Southeast quarter of Section 4, Township 6 North, Range 2 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 3 inch brass cap flush accepted as the East Quarter corner of said Section 4 from which a found 3 inch brass cap accepted as the Southeast corner thereof bears South 00°04'22" East, 2638.93 feet;

Thence South 00°04'22" East, 121.34 feet along the east line of the Southeast Quarter of said Section 3;

Thence leaving said east line, South 89°55'38" West, 147.67 feet;

Thence South 39°58'00" West, 26.38 feet to a non-tangent curve, concave southeasterly, having a radius of 57.00 feet, the center of which bears South 34°56'03" West;

Thence southwesterly along said curve, through a central angle of 192°42'58", an arc length of 191.72 feet to a point of reverse curvature, concave southwesterly, having a radius of 30.00 feet;

Thence southeasterly along said curve, through a central angle of 47°38'36", an arc length of 24.95 feet to a tangent line;

Thence South 69°51'42" West, 3.38 feet;

Thence South 89°55'38" West, 190.00 feet;

Thence South 00°04'22" East, 125.00 feet;

Thence South 89°55'38" West, 23.93 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 30.00 feet;

Thence northeasterly along said curve, through a central angle of 19°31'10", an arc length of 10.22 feet to a point of reverse curvature, concave southwesterly, having a radius of 57.00 feet;

Thence southwesterly along said curve, through a central angle of 122°37'30", an arc length of 121.99 feet to a non-tangent line;

Thence South 89°55'38" West, 126.20 feet;

Thence South 03°27'08" West, 60.94 feet;

Thence South 10°57'51" West, 55.54 feet;

Thence South 21°46'36" West, 119.63 feet;

Thence South 19°19'29" West, 71.85 feet;

Thence South 14°13'42" West, 63.55 feet;

Thence South 14°00'07" West, 119.88 feet;

Thence South 16°59'14" West, 58.83 feet;

Thence South 21°46'36" West, 184.79 feet;

Thence South 68°13'24" East, 125.00 feet;

Thence South 21°46'36" West, 157.61 feet;

Thence North 68°13'24" West, 125.00 feet;

Thence South 21°46'36" West, 133.94 feet;

Thence South 02°12'04" West, 105.67 feet;

Thence South 12°04'02" East, 102.55 feet;

Thence South 30°48'37" East, 136.30 feet;

Thence North 59°04'37" East, 125.00 feet;

Thence South 30°55'23" East, 42.27 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 220.00 feet;

Thence southeasterly along said curve, through a central angle of 16°04'09", an arc length of 61.70 feet to a tangent line;

Thence South 14°51'14" East, 79.94 feet;

Thence South 33°04'38" West, 15.69 feet to a non-tangent curve, concave northwesterly, having a radius of 320.00 feet, the center of which bears North 07°22'34" West;

Thence southwesterly along said curve, through a central angle of 07°50'18", an arc length of 43.78 feet to a tangent line;

Thence North 89°32'16" West, 72.11 feet to a non-tangent curve, concave northeasterly, having a radius of 29.98 feet, the center of which bears North 00°27'20" East;

Thence northwesterly along said curve, through a central angle of 19°31'57", an arc length of 10.22 feet to a point of reverse curvature, concave southwesterly, having a radius of 56.99 feet;

Thence southwesterly along said curve, through a central angle of 97°02'45", an arc length of 96.53 feet to a non-tangent line;

Thence North 77°10'22" West, 119.77 feet;

Thence South 12°49'38" West, 60.00 feet;

Thence South 77°10'22" East, 13.17 feet;

Thence South 12°49'38" West, 440.00 feet;

Thence North 77°10'22" West, 8.88 feet;

Thence South 12°49'38" West, 60.00 feet;

Thence South 77°10'22" East, 125.38 feet to a non-tangent curve, concave northeasterly, having a radius of 57.00 feet, the center of which bears North 89°39'14" East;

Thence southeasterly along said curve, through a central angle of 33°33'17", an arc length of 33.38 feet to a non-tangent line;

Thence South 57°04'14" West, 49.25 feet;

Thence South 00°27'44" West, 120.96 feet to a point on the south line of the Southeast Quarter of said Section 3;

Thence North 89°35'54" West, 220.84 feet along said south line;

Thence leaving said south line, North 16°26'20" East, 435.69 feet;

Thence North 10°05'55" East, 387.95 feet;

Thence North 03°36'33" East, 302.83 feet;

Thence North 08°43'35" East, 67.46 feet;

Thence North 16°45'33" East, 288.29 feet;

Thence North 27°57'02" East, 257.51 feet;

Thence North 13°39'05" East, 604.20 feet;

Thence North 56°18'41" East, 522.75 feet;

Thence North 73°05'13" East, 277.33 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 375,244 sq. ft. (8.614 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

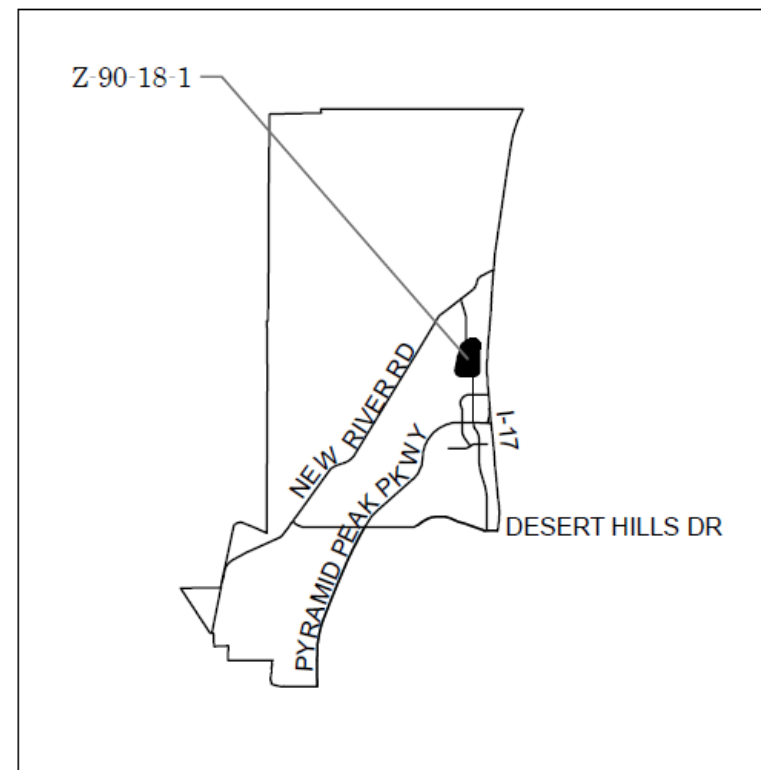
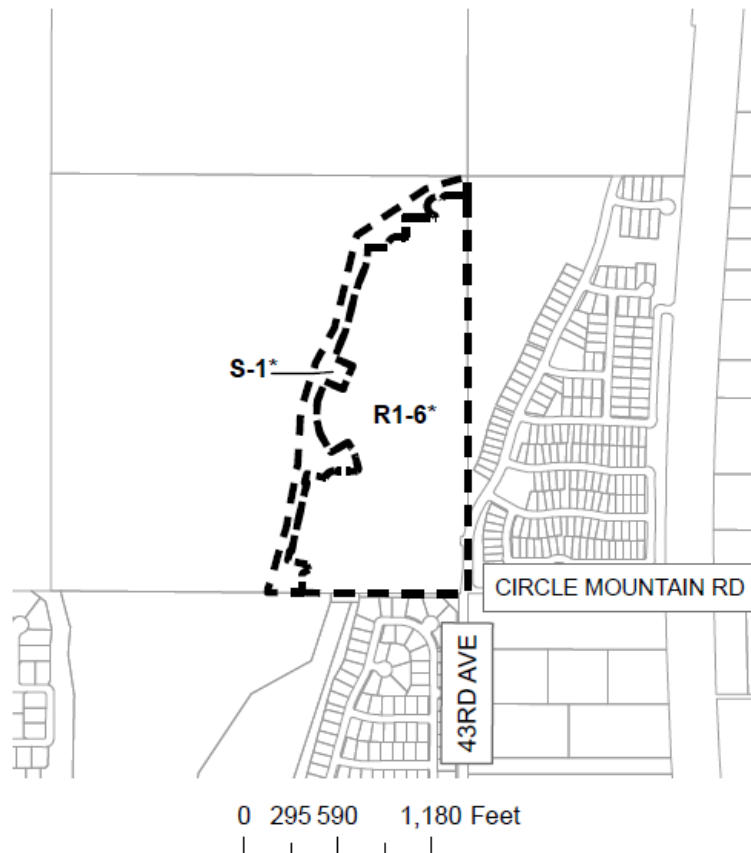
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-90-18-1

Zoning Overlay: N/A

Planning Village: Rio Vista



NOT TO SCALE



Drawn Date: 6/5/2019