

## 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-46-22-4) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T5:2 MT (WALKABLE URBAN CODE, TRANSECT 5:2, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 0.75 acre site located at the northwest corner of the 5th Street alignment and Thomas Road, in a portion of Section 29, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-5" (Multifamily Residence District) to "WU Code T5:2 MT" (Walkable Urban Code, Transect 5:2, Transit Midtown Character Area).

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 developer shall construct a minimum 6-foot-wide sidewalk separated by a minimum 10-foot-wide landscape area along the north side of Thomas Road planted with minimum three-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
2. The developer shall dedicate a sidewalk easement for the north side of Thomas Road so the total right-of-way and sidewalk easement equals 50 feet, as approved by the Planning and Development Department.
3. A minimum landscape setback of 10 feet in width shall be provided along the west property line for a linear distance of 80 feet measured from the south property line, as approved by the planning and development department.
4. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. The developer shall dedicate a total of 20 feet along the northern alley, as approved by the Planning and Development Department.
6. The developer shall provide local street paving for the full length of the alley along the development's frontage, as approved by the Planning and Development Department.
7. The developer shall dedication a 10-foot by 10-foot right-of-way triangle for a total 25-foot by 25-foot clearance at the northeast corner of the site, 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. 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.
11. The property owner shall record documents that disclose the existence, and operational characteristics of 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.

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 2nd day of November, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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## EXHIBIT A

Within a portion of Section 29, 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 2 and the East 12.50 feet of Lot 4, Block 2, MAYFAIR, according to Book 19, page SO of Maps, records of Maricopa County, Arizona;  
EXCEPT that portion of said Lot 2 conveyed to the City of Phoenix by Deed recorded in Docket 15158, page 1119;

EXCEPT any portion of above Parcels 1, 2 and 3 which were conveyed to the City of Phoenix by document in Recording Nos. 90-452641 and 2002-0706901.

Assessor's Parcel Number: 118-21-067B

Commonly Known as: 346 East Thomas Road, Phoenix, AZ 85012

### Parcel No. 2

The West 37.50 feet of Lot 4, Block 2, and the East 26.00 feet of Lot 6, Block 2, MAYFAIR, according to Book 19 of Maps, page SO, records of Maricopa County, Arizona;

EXCEPT that portion, if any, lying within the East 12.50 feet of Lot 4 and the West half of Lot 6.

Assessor's Parcel Number: 118-21-069

Commonly Known as: 342 East Thomas Road, Phoenix, AZ 85012

### Parcel No. 3

Lot 8 and the West half of Lot 6, Block 2, MAYFAIR, according to Book 19 of Maps, page SO, records of Maricopa County, Arizona;

EXCEPT the West 12.50 feet of Lot 8.

Assessor's Parcel Number: 118-21-072

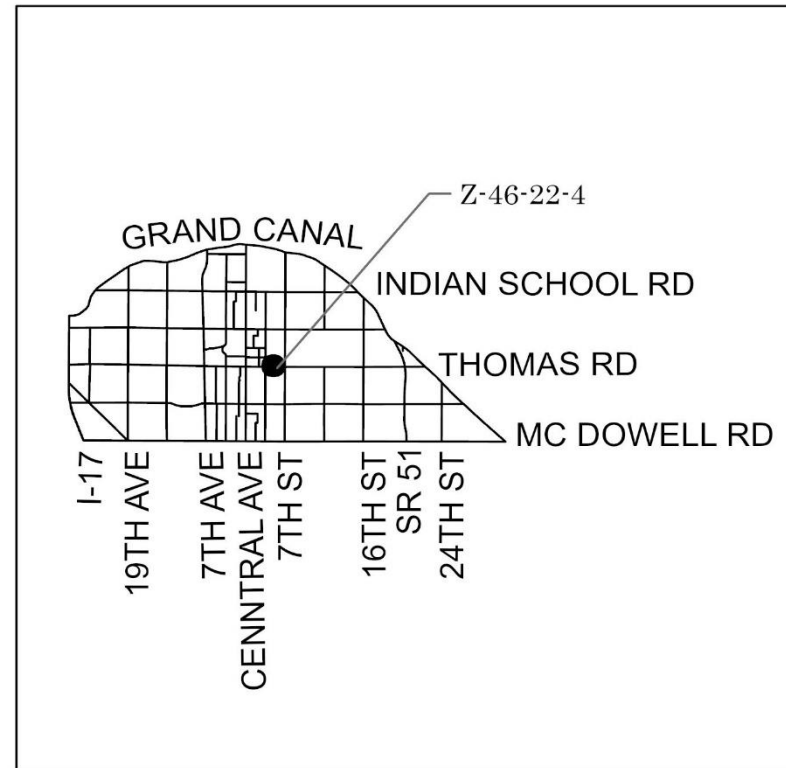
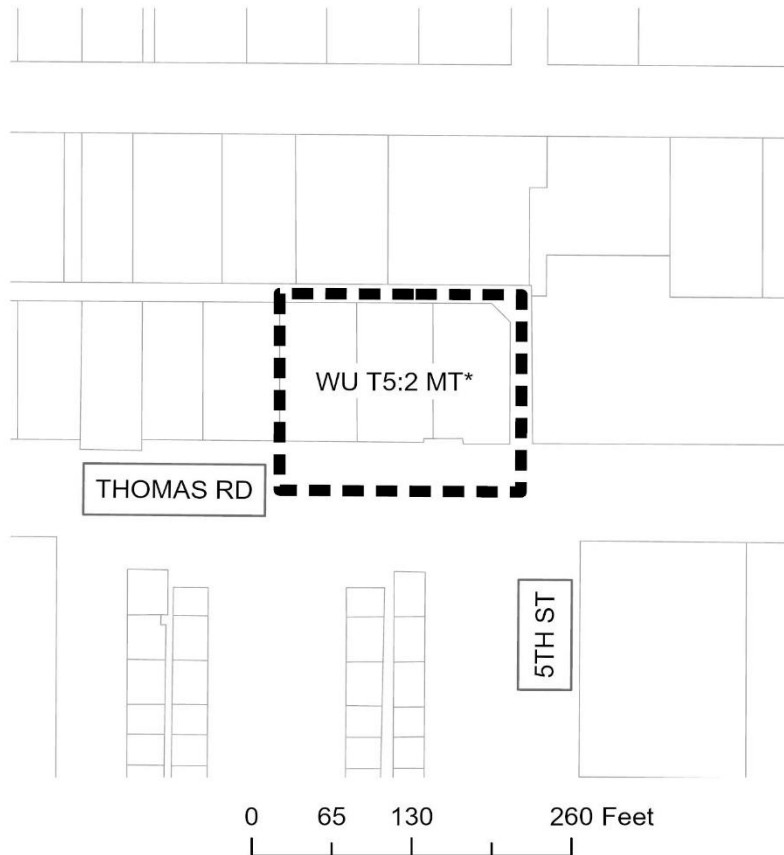
Commonly Known as: 336 East Thomas Road, Phoenix, AZ 85012

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-46-22-4  
Zoning Overlay: N/A  
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 10/5/2022