

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 (CASE Z-18-22-1) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 2.55-acre site located at the northeast corner of 19th Avenue and Yearling Road in a portion of Section 6, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence District), to "R-2" (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 not exceed 18 dwelling units.
2. The development shall not exceed a maximum building height of 30 feet.
3. The development shall contain a minimum 3,500-square-foot open space area at the northeast corner of the site.
4. The common open space area shall provide a minimum of 3 active recreational elements, such as, but not limited to playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.
5. The garage doors shall have a variety of decorative embellishments such as window panels, color and added materials for the pillars surrounding the door, as approved by the Planning and Development Department.
6. The required perimeter setbacks on all sides of the property shall be landscaped and include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 11-foot-wide landscape area between the back of curb and sidewalk along 19th Avenue, planted to the following standards and as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper drought-tolerant shade trees that provide shade to a minimum 75 percent at maturity.
 - b. Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

8. The Developer shall work with Maricopa County to de-annex the 25-foot federal patent easement area of the southern property line adjacent to Yearling Road. If the 25-foot federal patent easement area is not de-annexed within 6 months after the approval date of this rezoning, the applicant shall construct improvements over the federal patent easement area, as modified and approved by the Street Transportation Department and the Planning and Development Department.
9. 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.

10. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.
11. 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.
12. 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 7th day of September, 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-18-22-1

A PORTION OF LOT 29, SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 29; THENCE NORTH $89^{\circ}25'48''$ EAST ALONG THE SOUTH LINE OF SAID LOT 29, A DISTANCE OF 70.00 FEET; THENCE NORTH $0^{\circ}08'06''$ WEST PARALLEL WITH AND 70.00 FEET EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 165.21 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUING NORTH $0^{\circ}08'06''$ WEST PARALLEL WITH AND 70.00 FEET EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 165.21 FEET; THENCE NORTH $89^{\circ}25'47''$ EAST ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 265.49 FEET; THENCE SOUTH $0^{\circ}26'49''$ EAST ALONG THE EAST LINE OF THE WEST 60.00 FEET OF THE EAST 1.99 ACRES OF SAID LOT 29, A DISTANCE OF 165.21 FEET; THENCE SOUTH $89^{\circ}25'48''$ WEST, A DISTANCE OF 266.39 FEET TO THE TRUE POINT OF BEGINNING.

A PORTION OF LOT 29, SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 29; THENCE NORTH $89^{\circ}25'48''$ EAST ALONG THE SOUTH LINE OF SAID LOT 29, A DISTANCE OF 70.00 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH $0^{\circ}08'06''$ WEST PARALLEL WITH AND 70.00 FEET EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 165.21 FEET; THENCE NORTH $89^{\circ}25'48''$ EAST, A DISTANCE OF 266.39 FEET; THENCE SOUTH $0^{\circ}26'49''$ EAST ALONG THE EAST LINE OF THE WEST 60.00 FEET OF THE EAST 1.99 ACRES OF SAID LOT 29, A DISTANCE OF 165.20 FEET; THENCE SOUTH $89^{\circ}25'48''$ WEST ALONG THE SOUTH LINE OF SAID LOT 29, A DISTANCE OF 267.29 FEET TO THE TRUE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

EXHIBIT B

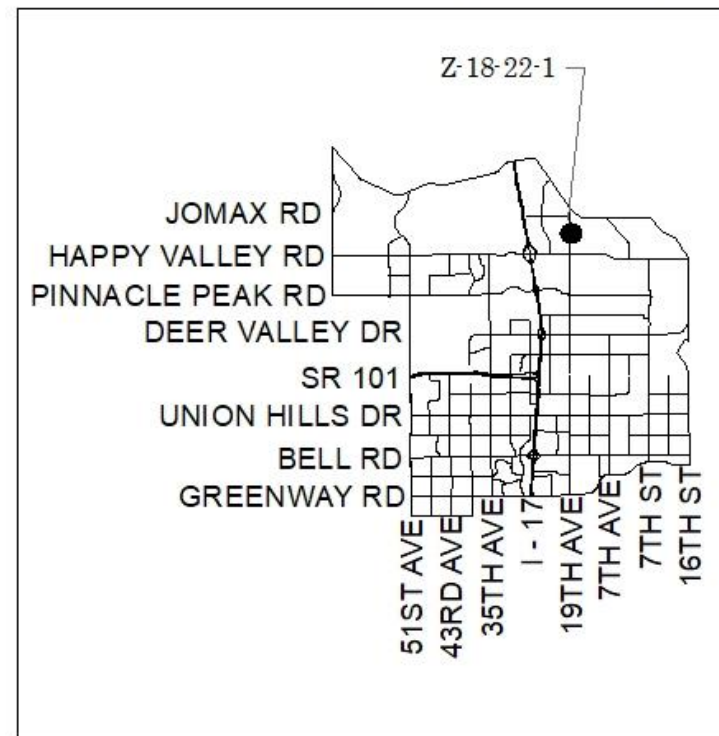
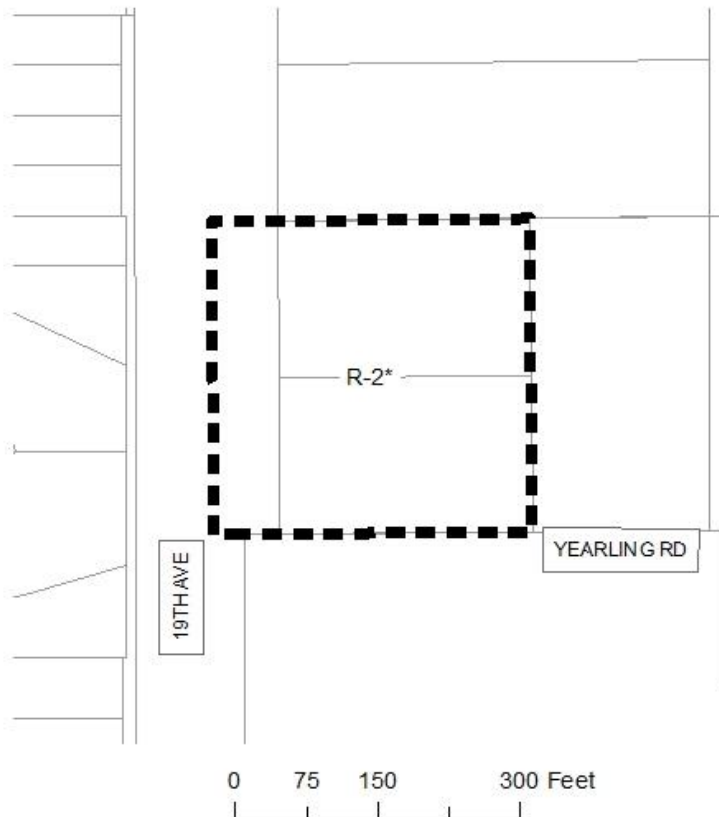
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-18-22-1

Zoning Overlay: N/A

Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 8/19/2022