

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-53-23-8) FROM R1-6 (SINGLE-FAMILY 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 0.76 acre site located approximately 235 feet north of the northeast corner of 36th Street and McDowell Road in a portion of Section 36, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "R1-6" (Single-Family 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 site plan date stamped November 2, 2023, as modified by the following stipulations and as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped October 27, 2023, as approved by the Planning and Development Department.
3. The primary entry/exit drive into the development shall incorporate decorative pavers, stamped or colored concrete, or similar alternative material, as approved by the Planning and Development Department.
4. Traffic calming measures shall be provided at all site entries and exits to slow down vehicular speeds as they approach sidewalks, as approved by the Planning and Development Department.
5. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
6. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
7. The development shall incorporate bicycle infrastructure as described below, as approved by the Planning and Development Department.
 - a. Secured bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces.
 - b. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces.
 - c. Non-secured bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the community center and/or clubhouse and open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
 - d. A minimum of 10% of the required bicycle parking spaces shall include

standard electrical receptacles for electric bicycle charging capabilities.

- e. A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - f. All bicycle infrastructure shall be shaded by a structure, landscaping, or a combination of the two to provide minimum 75% shade.
- 8. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by the Planning and Development Department.
 - 9. All required landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
 - 10. A minimum of 10% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, as approved by the Planning and Development Department.
 - 11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
 - 12. A minimum of 40 feet of right-of-way shall be dedicated for the east side of 36th Street, adjacent to the development, as approved by the Planning and Development Department.
 - 13. A minimum 5-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed along the east side of 36th Street, adjacent to the development, and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant

shade trees planted 20 feet on center or in equivalent groupings.

- b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage at maturity.

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

- 14. All streets within and adjacent to the development shall be constructed 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.
- 15. The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.
- 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 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 3rd day of January, 2024.

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

LEGAL DESCRIPTION

ASSESSOR'S PARCEL NUMBER: 120-12-064A

ADDRESS: 1633 NORTH 36TH STREET, PHOENIX, AZ 85008

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE SAID QUARTER SECTION A DISTANCE OF 503.00 FEET

NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER;
THENCE EAST 147.05 FEET;

THENCE SOUTH 225.00 FEET;

THENCE WEST 146.87 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER;

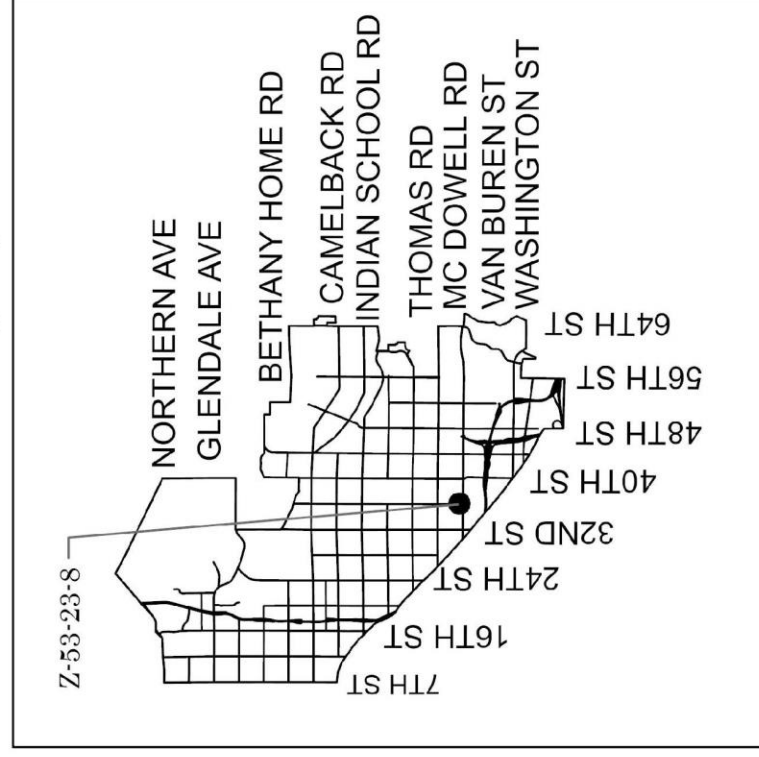
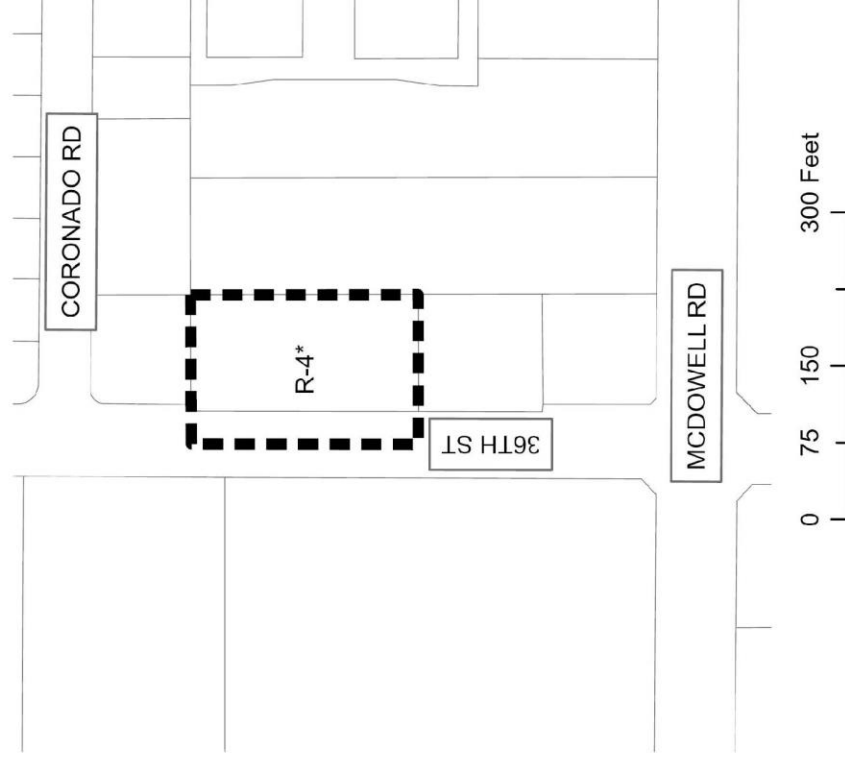
THENCE NORTH 225.00 FEET TO THE PLACE OF BEGINNING.

EXCEPT THE WEST 16.5 FEET THEREOF.

ORDINANCE LOCATION MAP

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

Zoning Case Number: Z-53-23-8
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 12/6/2023