

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 (Z-37-21-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T4:2 SL (WALKABLE URBAN CODE, TRANSECT 4:3, TRANSIT SOLANO CHARACTER AREA).

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

SECTION 1. The zoning of a 0.50-acre site located approximately 207 feet north of the northeast corner of 17th Avenue and Colter Street, in a portion of Section 18, Township 2 North and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District) to "WU Code T4:2 SL" (Walkable Urban Code, Transect 4:3, Transit Solano 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. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall detach the public sidewalk in compliance with Chapter 1312(E)(1)(c) of the Phoenix Zoning Ordinance and provide a minimum 75 percent shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
2. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall provide secure bicycle parking for residents at a rate of 0.25 spaces per unit and Inverted-U style racks for 4 bicycles per the installation requirements of Chapter 13 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
3. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, all on-site pedestrian pathways and required amenity areas shall be shaded to a minimum 50 percent through vegetative methods, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.
4. A conceptual site plan and elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval with specific regard to the inclusion of the below elements for any expansion or modification to the buildings on the site exceeding 10 percent from the site plan date stamped June 11, 2021. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. Shaded and detached sidewalks.
 - b. Frontage types oriented to 17th Avenue.
 - c. Maximum building setbacks of 15 feet along 17th Avenue.
 - d. Minimum building setbacks of 15 feet along the east property line.
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. 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.
- 7 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 November, 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeff Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-37-21-4

Located in the Northeast Quarter of the Southwest Quarter of Section 18, Township 2 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona.

Being a portion of Lot 5 & 6, Block 2 as shown on the Final Plat of Nile Tract, recorded in Book 14, Page 9, Maricopa County Records;

Commencing at the Southwest corner of said Northeast Quarter, from which the Southeast corner of said Northeast Quarter bears North 90°00'00" East;

Thence North 00°43'34" West, along the West line of said Northeast Quarter, a distance of 224.94 feet to the Point of Beginning;

Thence continuing along said West line, North 00°43'34" West, a distance of 120.00 feet to a line which is coincident with the North line of the South half of said Lot 5 and 6;

Thence departing said West line, North 89°59'58" East, along said coincident line and said North line a distance of 181.10 feet to the West line of the Final Plat for Colter Close, recorded in Book 525, Page 9, Maricopa County Records;

Thence departing said North line, South 00°43'34" East, along last said West line, a distance of 120.00 feet to the North line of that certain parcel of land as described in Special Warranty Deed document number 2019- 0811644, Maricopa County Records;

Thence departing said West line, South 89°59'58" West, along last said North line, a distance of 181.10 feet to the Point of Beginning.

Containing 21,730.25 square feet or 0.50 acres, more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

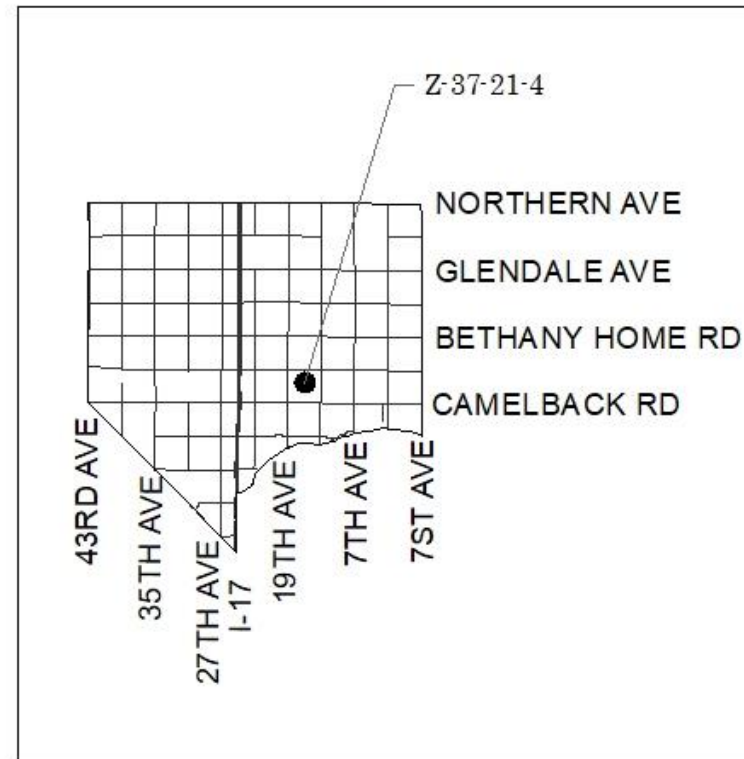
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-37-21-4

Zoning Overlay: N/A

Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 10/22/2021