

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-25-19-1) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 29.17-acre site located at the southeast corner of 39th Avenue and the Dynamite Road alignment in a portion of Section 34, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "R1-18" (Single-Family 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 project shall not exceed 43 lots.
2. The maximum building height shall not exceed 1 story and 24 feet.
3. There shall be a minimum of 20% common open space provided, exclusive of required landscape setbacks. The location of open space areas shall be in general conformance with the conceptual site plan date stamped June 26, 2019, as approved by the Planning and Development Department.
4. There shall be a minimum of one private open space amenity area. The area shall provide, at a minimum, two of the following active amenity elements or other similar elements, as approved by the Planning and Development Department:
 - a. Fire Pit
 - b. Barbecue and Picnic Area
 - c. Pavilion or Ramada
5. The development shall be in general conformance with the conceptual elevations date stamped June 14, 2019 with specific regard to the use of desert colors and quality of architectural embellishments, as approved by the Planning and Development Department.
6. The development shall be in general conformance with the wall plan date stamped June 26, 2019 with specific regard to view fencing along open space areas, as approved by the Planning and Development Department. Publicly visible walls shall be integrally colored block or painted to blend with the natural desert environment.
7. Shade trees shall be planted adjacent to sidewalks, outside any public utility easements, at a rate of a minimum of one, two-inch caliper or greater shade tree provided at a spacing of 20 to 30 feet on center, depending on species, within the front yard of each residential lot and where sidewalks are adjacent to common area tracts, provided that no more than three trees shall be required adjacent to sidewalks on any individual residential lot and such trees may be planted in a non-linear staggered fashion, as approved or modified by the Planning and Development Department.
8. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the northwest corner of the property, adjacent to the 39th Avenue alignment connecting to the CAP Canal and State Land trails. The developer shall construct a 10-foot wide multi-use trail (MUT) (for an equestrian trail and access) within the

easement as indicated in Section 429 of the City of Phoenix MAG Supplement, as approved by 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, 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.
10. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property, as approved by the Aviation Department.
11. Prior to final plat recordation, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural and equestrian uses. The form and content of such documents shall be reviewed and approved by the City Attorney.
12. 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.
13. 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.
14. 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.
15. The developer shall petition the Street Transportation Department to eliminate the requirement for street light infrastructure requirements for the subdivision in an effort to protect dark skies.
16. Any Planning Hearing Officer submittal shall go before the Village Planning Committee prior to being heard in front of the Planning Hearing Officer.

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 4th day of September, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-25-19-1

PARCEL NO. 1 (APN: 205-05-005Q)

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE EAST 150.2 FEET THEREOF; EXCEPT THAT PORTION AS DISCLOSED IN DOCKET 10684, PAGE 1365, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE NORTH BOUNDARY OF SAID SECTION 34 NORTH 89 DEGREES 37 MINUTES 39 SECONDS EAST 157.52 FEET; THENCE LEAVING SAID NORTH BOUNDARY SOUTH 76 DEGREES 15 MINUTES 02 SECONDS WEST 161.90 FEET TO A POINT IN THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 34; THENCE ALONG SAID NORTH-SOUTH MIDSECTION LINE NORTH 00 DEGREES 23 MINUTES 71 SECONDS WEST 37.46 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34, THE POINT OF BEGINNING. PARCEL NO. 2: (APN: 205-05-005H)

THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. PARCEL NO. 3:(APN: 205-05-005J)

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY, ARIZONA. PARCEL NO. 4:(APN: 205-05-005K)

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. PARCEL NO. 5:(APN: 205-05-006H)

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. PARCEL NO. 6:(APN: 205-05-006U & V)

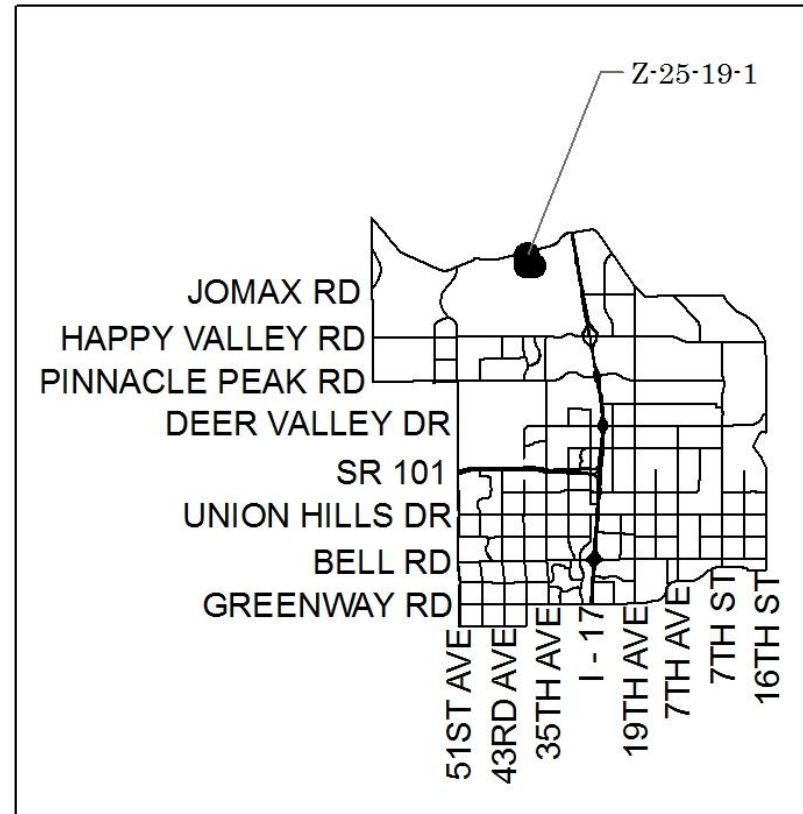
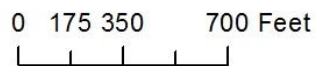
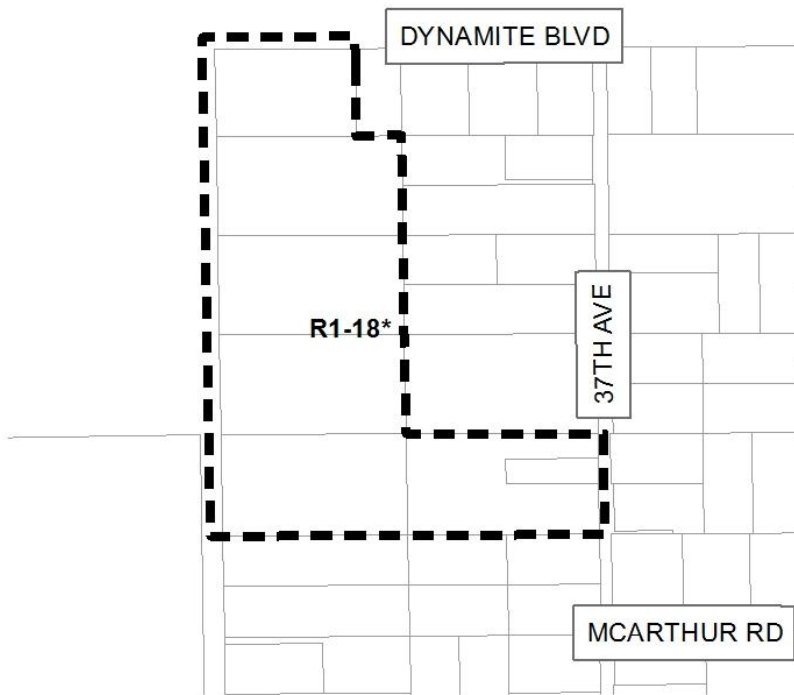
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ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-25-19-1
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 8/2/2019