

## 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-21-20-8) FROM R-4 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T5:2 EG HP (WALKABLE URBAN CODE, TRANSECT T5:2 DISTRICT, TRANSIT EASTLAKE-GARFIELD CHARACTER AREA, HISTORIC PRESERVATION DISTRICT).

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

SECTION 1. The zoning of a 4.91-acre property located at the southeast corner of 18th Street and Garfield Street in a portion of Section 3, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-4" (Multifamily Residence District) to "WU Code T5:2 EG HP" (Walkable Urban Code, Transect T5:2 District, Transit Eastlake-Garfield Character Area, Historic Preservation 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 developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
2. 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.
3. 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.
4. 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.
5. 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.
6. The developer shall provide at least one accessible pedestrian pathway from the sidewalk on 18th Street, 19th Street, Garfield Street and McKinley Street to a building entrance, as approved by the Planning and Development Department.
7. The developer shall dedicate a 20-foot right-of-way triangle at all four corners of the property, 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.

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 September, 2020.

\_\_\_\_\_  
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-21-20-8

WITHIN A PORTION OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF TRACTS "F" AND "G" OF THE AMENDED MAP OF MONTEZUMA PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1 OF MAPS, PAGE 40, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID TRACT "F," FROM WHICH THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEARS NORTH 311.10 FEET, SAID NORTHWEST CORNER BEING MARKED BY CITY OF PHOENIX SURVEY MONUMENT 25-61 AND SAID POINT OF BEGINNING BEING MARKED BY CITY OF PHOENIX SURVEY MONUMENT 24-61;

THENCE SOUTH 330.55 FEET ALONG THE WEST LINE OF SAID TRACT "F" TO CITY OF PHOENIX SURVEY MONUMENT 23-61;

THENCE SOUTH 89°49' EAST PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3 AS MONUMENTED BY THE CITY OF PHOENIX, A DISTANCE OF 655.75 FEET;

THENCE NORTH 330.55 FEET;

THENCE NORTH 89°45' WEST 655.75 FEET TO THE POINT OF BEGINNING;

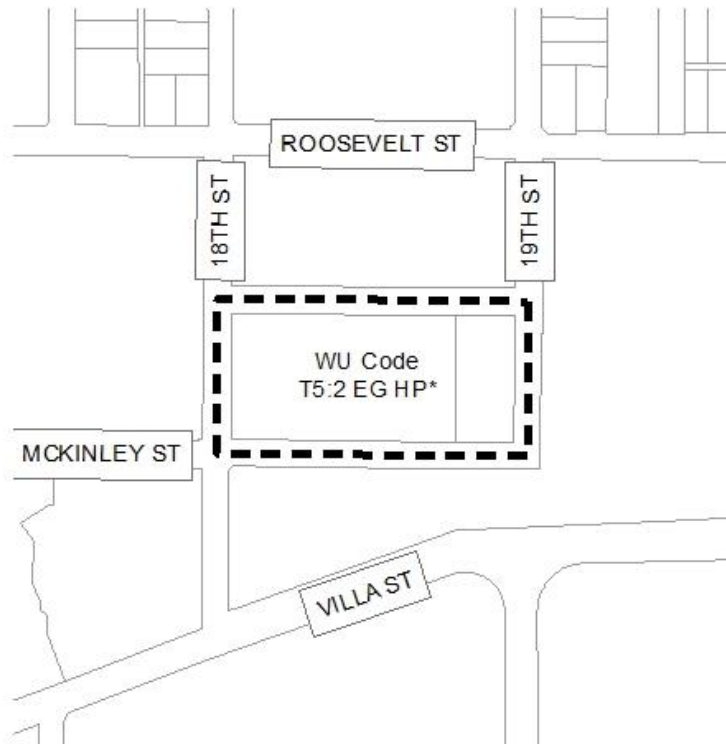
EXCEPT THE NORTH 30 FEET, THE SOUTH 30 FEET, THE EAST 30 FEET, AND THE WEST 30 FEET THEREOF FOR ROAD PURPOSES.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

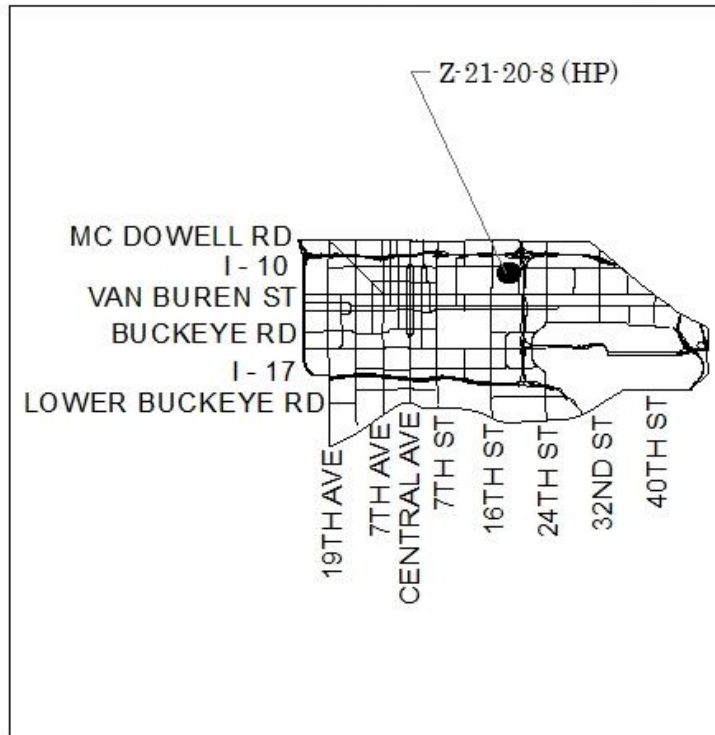


0 100 200 400 Feet

Zoning Case Number: Z-21-20-8 (HP)

Zoning Overlay: N/A

Planning Village: Central City



NOT TO SCALE



Drawn Date: 7/24/2020