

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-28-18-7) FROM A-1 (LIGHT INDUSTRIAL) AND C-3 CMOD (GENERAL COMMERCIAL, CAPITOL MALL OVERLAY DISTRICT) TO R-4 (MULTIFAMILY RESIDENCE DISTRICT) AND R-4 CMOD (MULTIFAMILY RESIDENCE DISTRICT, CAPITOL MALL OVERLAY DISTRICT).

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

SECTION 1. The zoning of an approximately 1.76-acre property located approximately 400 feet west of the northwest corner of 19th Avenue and Van Buren Street in a portion of Section 1, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "A-1" (Light Industrial) and "C-3 CMOD" (General Commercial, Capitol Mall Overlay District) to "R-4" (Multifamily Residence District) and "R-4 CMOD" (Multifamily Residence District, Capitol Mall Overlay 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 property owner shall provide minimum 2-inch caliper shade trees to be placed 20-feet on center or in equivalent groupings in the landscape area between the sidewalk and the curb along Van Buren Street, as approved by the Planning and Development Department.
2. The developer shall dedicate a 10-foot sidewalk easement on the north side of Van Buren Street, as approved by the Planning and Development Department.
3. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to 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 viewed and approved by the City Attorney.
4. 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.
5. The applicant shall conduct Phase II archaeological data recovery excavations 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.
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 in a form approved by the City Attorney's Office. 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 November, 2018.

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-28-18-7

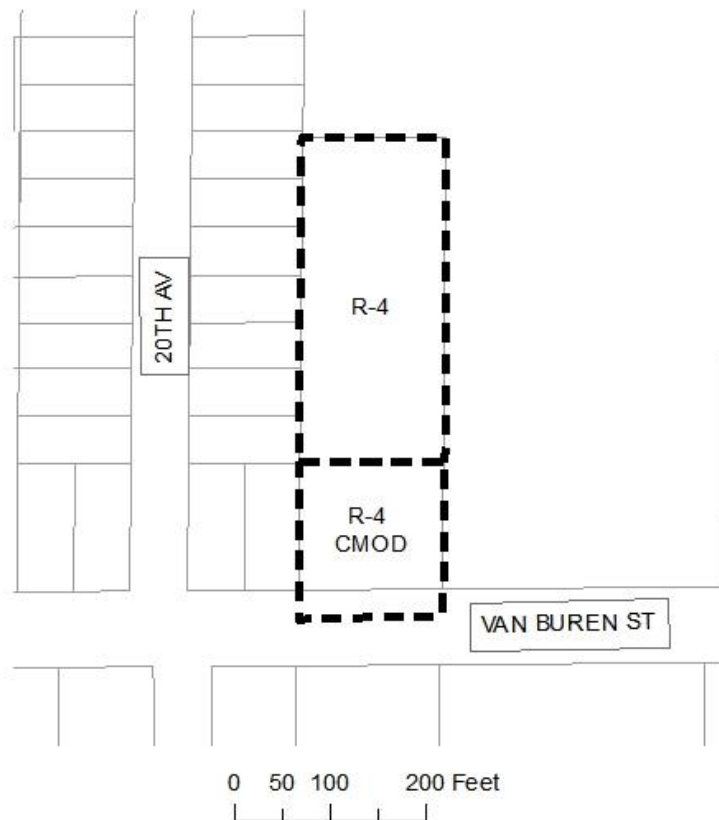
WITHIN A PORTION OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
LOT 14, BLOCK 1, OF CHRISTY ACRES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 3 OF MAPS, PAGE 41.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

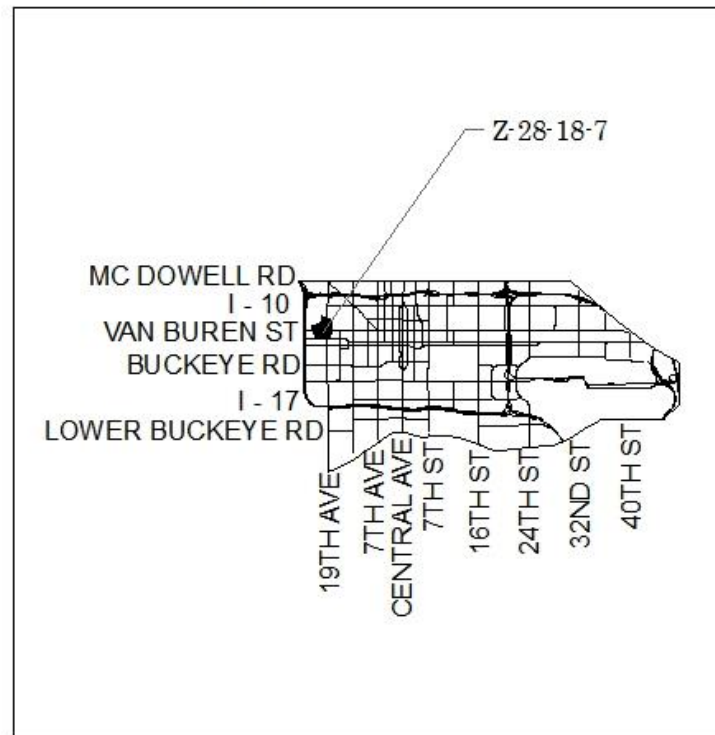
SUBJECT AREA: ■ ■ ■ ■ ■



Zoning Case Number: Z-28-18-7

Zoning Overlay: Capitol Mall Overlay District

Planning Village: Central City



NOT TO SCALE



Drawn Date: 10/11/2018