

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-4-21-4) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO WU CODE T4:3 MT (WALKABLE URBAN CODE, TRANSECT 4:3 DISTRICT, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 0.73 acre site located at the northeast corner of 3rd Street and Clarendon Avenue in a portion of Section 29, Township 2 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial District) to "WU Code T4:3 MT" (Walkable Urban Code, Transect 4:3 District, Transit Midtown 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. All public sidewalks shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb along the north half of Clarendon Avenue and a minimum 6-foot-wide landscape area located between the sidewalk and back of curb along the east half of Third Street, as approved by the Planning and Development Department.
2. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.
 - b. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
3. The developer shall dedicate a minimum 6-foot-wide sidewalk easement for the east side of 3rd Street, as approved by the Planning and Development Department.
4. The developer shall dedicate a minimum of 5 feet for the west side of the alley, as approved by the Planning and Development Department.
5. All vehicular site access shall be provided from the alley, consistent with the Walkable Urban Code standards and as approved by the Planning and Development Department.
6. All public sidewalks shall be located in a dedicated public sidewalk easement, as approved by the Planning and Development Department.
7. 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.

8. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
9. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
10. 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.
11. 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.
12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
13. 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.
14. 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 2nd day of June, 2021.

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-4-21-4:

WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, AND RANGE 3 EAST HEREIN LOTS 10 AND 11, BLOCK 4, OF THOMAS PLACE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTRY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 3 OF MAPS, PAGE 67.

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

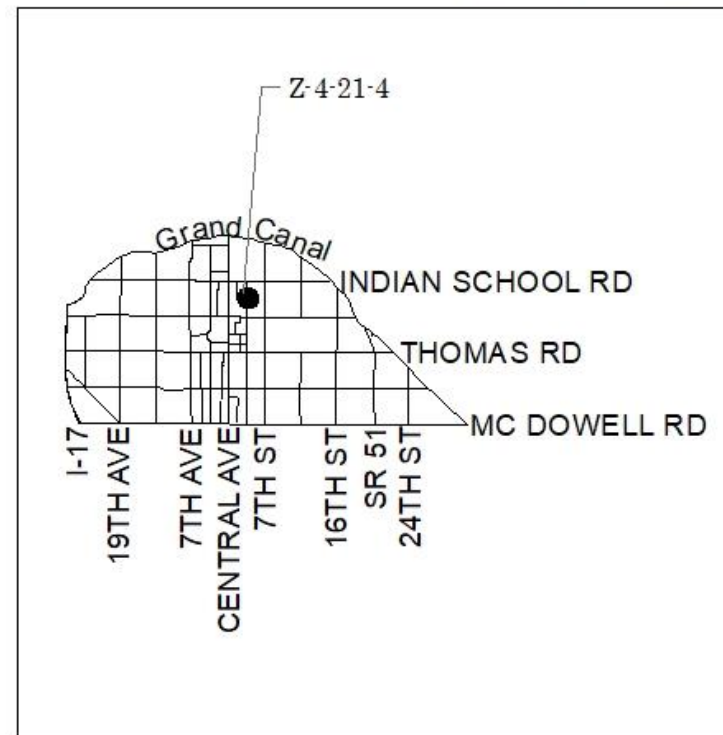
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-4-21-4

Zoning Overlay: N/A

Planning Village: Encanto



NOT TO SCALE



Drawn Date: 4/30/2021