

## 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-65-19-2) FROM RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 7.67-acre site located at the northeast corner of 42nd Street and Peak View Road in a portion of Section 30, Township 5 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "RE-35" (Single-Family Residence District) to "R1-10" (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 development shall be subject to Single-Family Design Review prior to final site plan approval, with the additional requirement that building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment, as approved by the Planning and Development Department.
2. Homes shall have a maximum height of one story and 20 feet on Lot Nos. 8, 9, 10, 11, 12, 13, 21, 22, and 23, as depicted on the Site Plan date stamped December 9, 2019, as approved or modified by the Planning and Development Department.
3. The development shall not exceed 23 residential lots.
4. The minimum residential lot width shall be 65 feet.
5. The minimum open space provided shall be 10 percent.
6. A pedestrian connection shall be provided from the northern internal street to the common open space area abutting Peak View Road.
7. A minimum 4,500-square-foot landscape setback shall be provided on the west side of 42nd Street, as approved by the Planning and Development Department.
8. The sidewalks along the north side of Peak View Road, the east side of 42nd Street, and the first 250 feet of the west side of 42nd Street shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb. Minimum 2-inch caliper shade trees shall be planted on both sides of the sidewalk at 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
9. On interior private accessways, shade trees shall be planted adjacent to sidewalks at a rate of a minimum of two, 2-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, as approved by the Planning and Development Department.
10. All new perimeter walls where visible from Peak View Road shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

11. The development entry shall incorporate decorative metal gates and signage as depicted on the Design Concept Plan date stamped January 31, 2020, as approved by the Planning and Development Department.
12. A pedestrian crossing, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across the main entry driveway, as approved by the Planning and Development Department.
13. The developer shall dedicate 40 feet of right-of-way for the north half of Peak View Road, as approved by the Planning and Development Department.
14. The developer shall provide 25 feet of paving, from the monument line to the face of curb on Peak View Road, as approved by the Planning and Development Department.
15. The developer shall extend and develop 42nd Street in accordance with City Code and development requirements, if retained as a public street.
16. 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
17. 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.
18. 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 20th day of May, 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-65-19-2

Parcel No. 1

The Land Referred to Herein Below Is Situated in The County of Maricopa, State of Arizona, and is Described as Follows:

The West Half of The South Half of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter; and

The West 15 Feet of the East Half of the South Half of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter;

All in Section 30, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the West 30 Feet Thereof.

Parcel No. 2

The North Half of The Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 30, Township 5 North, Range 4 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona.

# ORDINANCE LOCATION MAP

EXHIBIT B

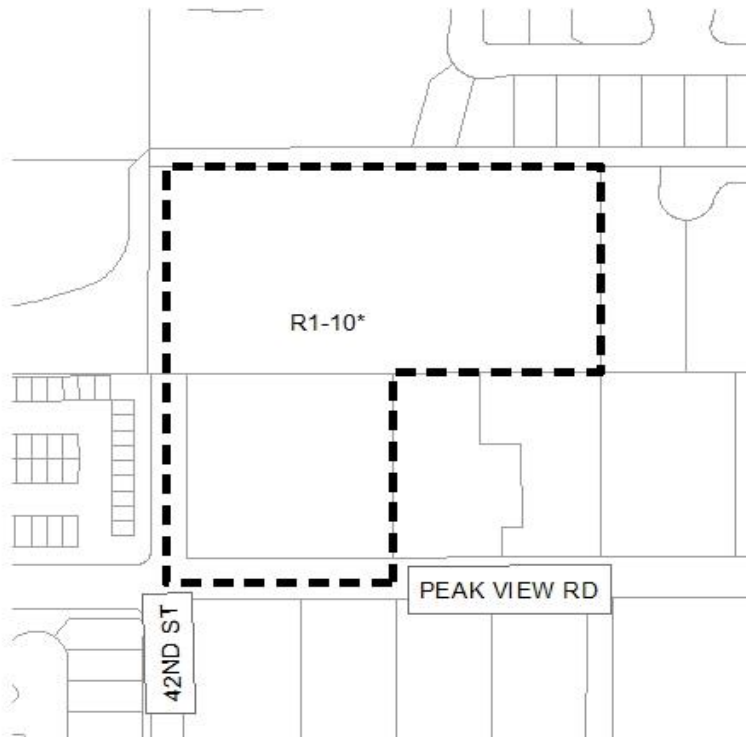
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

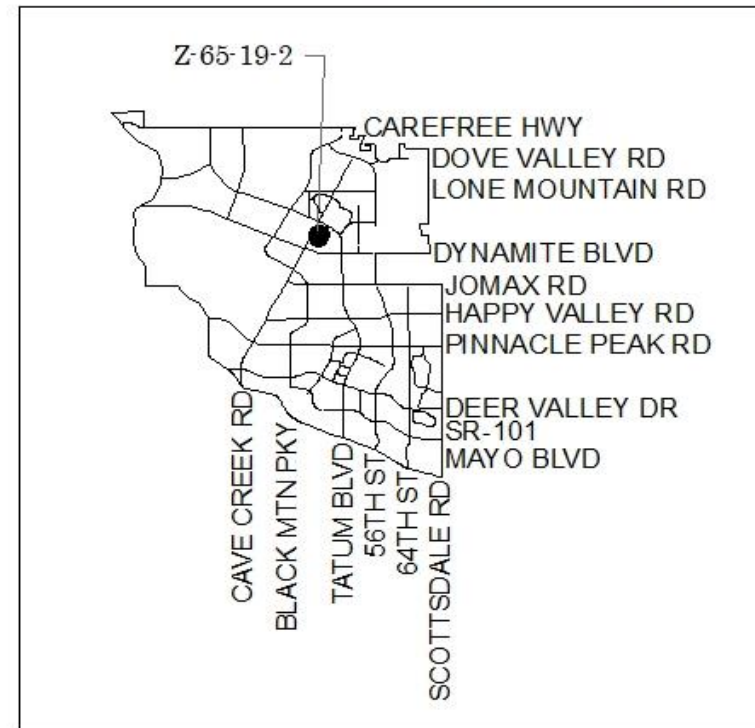
Zoning Case Number: Z-65-19-2

Zoning Overlay: N/A

Planning Village: Desert View



0 75 150 300 Feet



NOT TO SCALE



Drawn Date: 4/16/2020