

## 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 (Z-53-21-4) FROM R-5 (MULTIFAMILY RESIDENCE DISTRICT) TO R-5 (MULTIFAMILY RESIDENCE DISTRICT) AND A-1 (LIGHT INDUSTRIAL DISTRICT).

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

SECTION 1. The zoning of a 0.31 acre site located approximately 300 feet south of the southwest corner of I-17 and Campbell Avenue, in a portion of Section 24, Township 2 North, and Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "R-5" (Multifamily Residence District) to 0.28 acres "R-5" (Multifamily Residence District) and 0.03 acres of "A-1" (Light Industrial 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 maximum building height shall not exceed 30 feet. If the following conditions are met, the maximum height shall be 40 feet. The conditions must be met prior to or in conjunction with the Final Site Plan Review.
  - a. A minimum of 75 percent of the housing units are dedicated for long-term affordability, as approved by the Phoenix Housing Department.
  - b. The applicant shall submit a copy of the draft Declaration of Affirmative Land Use and Restrictive Covenants agreement (LURA), for review and approval by the Phoenix Housing Department.
  - c. The applicant shall submit a copy of the Proforma, for review and approval by the Phoenix Housing Department.
2. One framing inspection for the primary building on the R-5 portion of the site shall be approved prior to the issuance of a permit for any off-premise signage.
3. The indoor noise levels of residential units shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
4. The C-2 Streetscape Landscape Standards for planting type, size and quantity shall be used along the Black Canyon Highway Frontage Road with all trees being of a shade variety, as approved by the Planning and Development Department.
5. The required landscape setback areas along the north, west, and south site boundaries shall be planted with shade trees placed 20 feet on center or in equivalent groupings with 75 percent of the trees being a minimum 3-inch caliper, as approved by the Planning and Development Department.
6. The developer shall construct right-of-way improvements along the frontage road for the limits of the subject site including sidewalks, as determined and approved by ADOT.
7. The developer shall provide a minimum of 3 inverted-U style bicycle racks located near building entrances and shaded to a minimum 50 percent, 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.

9. Any new driveways and changes to existing driveways shall require the review and approval of ADOT. Documentation of ADOT's approval of all modifications shall be provided prior to Preliminary Site Plan approval.
10. A Red Border Letter shall be processed for this development, as determined by the Planning and Development Department.
11. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
12. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
13. In the event archeological 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 Archeologist, and allow time for the Archeology 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 5th day of January, 2022.

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MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:  
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\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

Exhibits:  
A – Legal Description (1 Page)  
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-53-21-4

R-5 ZONE CHANGE

The land referred to herein below that is situated in the County of Maricopa, State of Arizona, and is described as follows:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTE OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, LYING BETWEEN THE EAST LINE OF THE WEST 389.55 FEET OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE WEST RIGHT OF WAY LINE OF THE PHOENIX-ROCK SPRING HIGHWAY.

EXCEPT THE NORTH 309.00 FEET; AND

EXCEPT THE SOUTH 234.88 FEET; AND

EXCEPT THE SOUTHERLY 64.00 FEET OF THE EASTERLY 15.00 FEET.

Also known as a portion of APN 154-18-018

A-1 ZONE CHANGE

THE SOUTHERLY 64.00 FEET OF THE EASTERLY 15.00 FEET OF:

The land referred to herein below that is situated in the County of Maricopa, State of Arizona, and is described as follows:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTE OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, LYING BETWEEN THE EAST LINE OF THE WEST 389.55 FEET OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE WEST RIGHT OF WAY LINE OF THE PHOENIX-ROCK SPRING HIGHWAY.

EXCEPT THE NORTH 309.00 FEET; AND

EXCEPT THE SOUTH 234.88 FEET.

Also known as APN 154-18-018 and 4410 N. Black Canyon Highway, Phoenix, AZ.

# ORDINANCE LOCATION MAP

EXHIBIT B

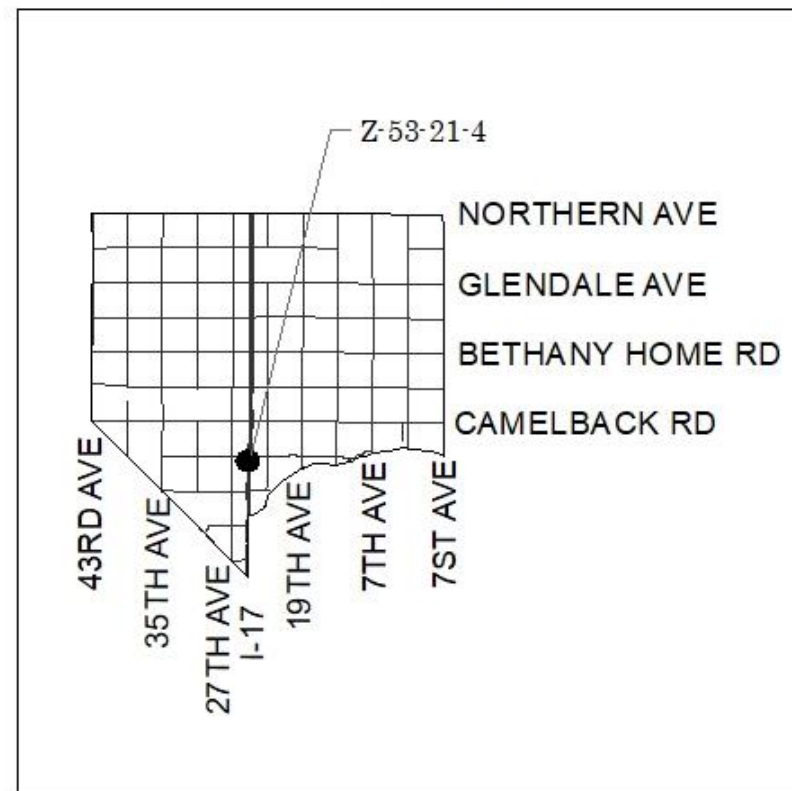
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-53-21-4

Zoning Overlay: N/A

Planning Village: Alhambra



NOT TO SCALE



Drawn Date: 12/7/2021