

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-29-20-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-O (RESIDENTIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 0.48-acre site located at the southeast corner of 44th Street and Calle Allegre in a portion of Section 19, Township 2 North, Range 4 East, as described more specifically in Exhibit “A”, is hereby changed from “R1-10” (Single-Family Residence District) to “R-O” (Residential Office – Restricted Commercial 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 in general conformance with the elevations date stamped June 11, 2020, with specific regard to use of brick veneer and horizontal siding, the locations and size of windows, and roof design, as approved by the Planning and Development Department.
2. The required landscape setback along 44th Street shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 20 feet on center or in equivalent groupings to provide a minimum of 50 percent shade on adjacent sidewalks.
 - b. Drought tolerant shrubs and vegetative groundcovers to provide a minimum of 75 percent live coverage at maturity.
3. A minimum 10-foot landscape setback shall be provided along the northeastern property line, where the property abuts a single-family home. This landscape setback shall be planted with minimum 2-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. A minimum of two inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan) or "Outdoor/Covered Facilities" for guests and employees shall be provided. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H. of the Zoning Ordinance, and approved by the Planning and Development Department.
5. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
6. The developer shall provide a 10-foot sidewalk easement along the east side of 44th Street, as approved by the Planning and Development Department.
7. The developer shall construct a driveway along 44th Street that is located centrally along the frontage and constructed at a 90-degree angle with a skew no greater than 15 degrees, as approved by the Street Transportation 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. This parcel is located in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1765 L of the Flood Insurance Rate Maps (FIRM) revised July 31, 2015.
 - a. No encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries.
 - b. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
 - c. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.
 - d. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
10. 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.
11. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International 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 submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary and permanent development prior to final site plan approval.
13. 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 3rd day of February 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-29-20-6

LOT 29, REGENTS PARK, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 4 EAST, ACCORDING TO PLAT OF RECORD FOR MARICOPA COUNTY, BOOK 63, PAGE 40, AT TOWNSHIP AND RANGE GRID NUMBER 825, EXCEPT THE NORTHEAST 4 FEET AS MEASURED PARALLEL TO THE NORTHEAST EDGE ALONG RIGHT ANGLES TO SAME.

ORDINANCE LOCATION MAP

EXHIBIT B

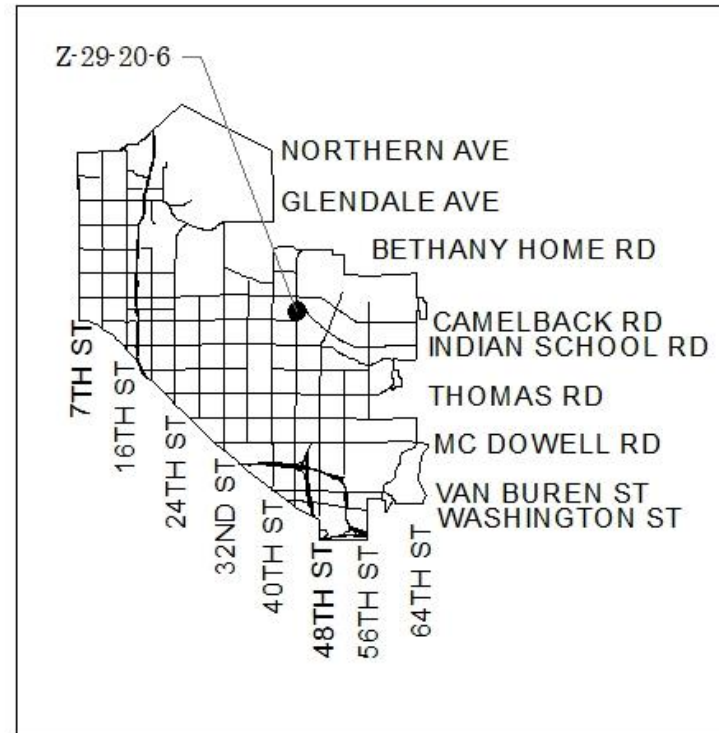
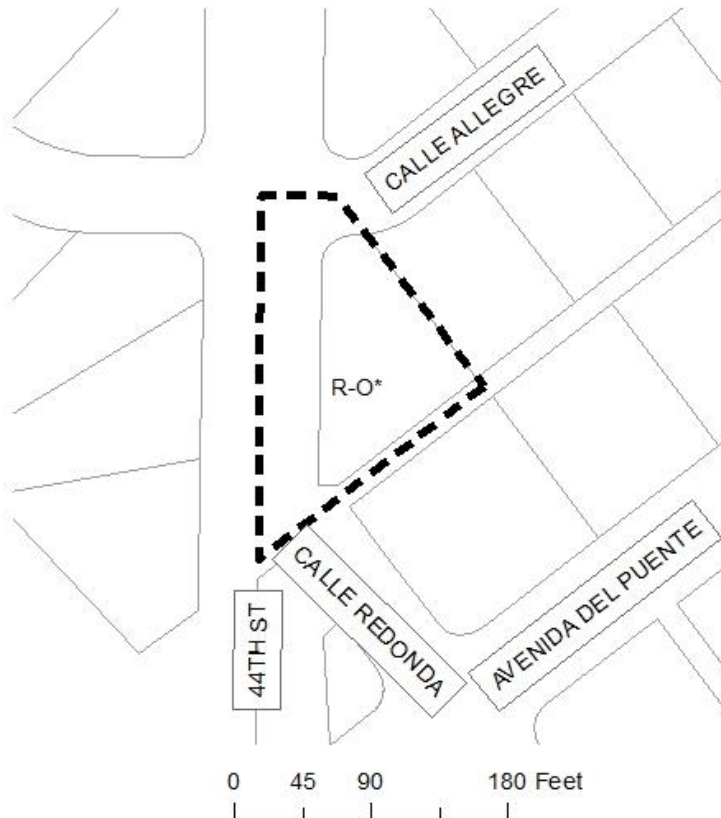
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -

Zoning Case Number: Z-29-20-6

Zoning Overlay: N/A

Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 1/4/2021