

## 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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-56-23-7) FROM COUNTY RU-43 (PENDING S-1) (ONE ACRE PER DWELLING UNIT, PENDING RANCH OR FARM RESIDENCE DISTRICT) TO R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 18.96-acre site located at the southwest corner of the 78th Avenue and Alta Vista Road alignments in a portion of Section 35, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from "County RU-43 (Pending S-1)" (One Acre Per Dwelling Unit, Pending Ranch or Farm Residence District) to "R1-6" (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. All building elevations shall contain architectural features that reflect modern farmhouse architecture including, but not limited to, detailing such as pitched roofs, variation in window size, overhang canopies and exterior accent materials such as board and batten siding, shiplap paneling, brick veneer, wooden shutters, and carriage style garage doors, as approved by the Planning and Development Department.
2. The conceptual elevations and landscape plan shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.
3. The maximum density shall be 5.0 dwelling units per acre.
4. The minimum lot width shall be 50 feet, for lots 1 through 19, as depicted on the site plan date stamped December 20, 2023 and as approved by the Planning and Development Department.
5. A minimum of 18% of the gross site area shall be retained as open space.
6. A minimum 22-foot garage setback for front-loaded garages, measured from the back of sidewalk, shall be provided for each home in the development, as approved by the Planning and Development Department.
7. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
8. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
9. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property or tenants within the development(s) the existence and operational characteristics of nearby existing ranchettes and animal privilege private properties that may cause adverse noise, odors, dust, and other externalities. The form and content of such documents shall be reviewed and approved by the City prior to recordation. This disclosure shall also be provided in the leasing documents in a section titled "nuisances".

10. A minimum 50-foot of right-of-way shall be dedicated for all local public streets within the development.
11. All street improvements to Alta Vista Road and 78th Avenue are outside of Phoenix City Limits and shall be reviewed and approved by Maricopa County. Documentation of the county review and approval shall be provided concurrently with the Preliminary Site Plan submittal.
12. A shared-use-path easement shall be dedicated and constructed on the northwest portion of the property, as approved by the Parks and Recreation and Planning and Development Departments.
13. Pedestrian connections from the subdivision to the Salt River and the shared-use-path, consisting of an enhanced treatment of decorative pavement and landscaping to a gated access point, shall be constructed as approved by the Planning and Development Department.
14. All streets within and adjacent to the development shall be constructed 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.
15. 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.
16. If Phase I data testing is required, and 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, the applicant shall conduct Phase II archaeological data recovery excavations.
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.
19. Building height shall be limited to one story and 20 feet for lots 3, 4, 6, 7, and 9 through 12, as depicted on the site plan date stamped December 20, 2023 and as approved by the Planning and Development Department.

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 February, 2024.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-56-23-7

That part of the Southwest quarter of the Northeast quarter of Section 35, Township 1 North, Range 1 East, G&SRB&M, Maricopa County, Arizona described as follows:

BEGINNING at the Northwest lot corner common to Lots 28 and 351, LAVEEN FARMS-UNIT 4, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 931 of Maps at page 47, said corner also being the Southeast corner of said Southwest quarter of the Northeast quarter of Section 35, said corner also being a point common to the areas annexed by City of Phoenix ordinances G-3835 and G-4196;

thence Westerly along the North line of said area annexed by ordinance G-3835 also being South line of said Northeast quarter of Section 35 to the Southwest corner of the East half of the West half of said Southwest quarter of the Northeast quarter of Section 35;

thence, departing said ordinance boundary, Northerly along the West line of said East half to the Northwest corner thereof;

thence Easterly along the North line of said East half to the Northeast corner thereof;

thence Southerly along the East line of said East half to the North line of the South 600 of the East half of said Southwest quarter of the Northeast quarter of Section 35;

thence Easterly along last said North line to the East line of said Southwest quarter of the Northeast quarter of Section 35 and the West line of the area annexed by said ordinance G-4196;

thence Southerly along last said East line and last said West ordinance line to the POINT OF BEGINNING.

Area = 18.972 Acres

Area = 0.0296 Sq. Miles

## EXHIBIT B

Zoning Case Number: Z-56-23-7

Zoning Overlay: N/A

Zoning Overlay: N/A  
Planning Village: Javeen

